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Brit. Laws, statutes, etc. Revised statutes

# THE STATUTES:

## REVISED EDITION.

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VOL. VII.

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c. 23.	Escheat, &c. of trust property -	Rep., 13 & 14 Vict. c. 60. s. 1.	
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c. 27. -	Administration of justice in certain boroughs and franchises.	- - - - -	
c. 28. -	Marriages by Roman Catholic priests, &c. in Scotland.	Rep. in part, Stat. Law Rev. Act, 1874.	634
c. 29. -	Loans by trustees on landed securities in Ireland.	- - - - -	635
c. 30. -	Exchange of lands lying in common fields	Rep. in part, Stat. Law Rev. Act, 1874.	637
c. 31. -	National debt - - - -	Rep., Stat. Law Rev. Act, 1870.	645
c. 32. -	Reduction of tonnage rates in port of London - - - -	Rep. in part, Stat. Law Rev. Acts, 1861, 1874.	
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c. 35. -	Chimney sweepers - - -	Rep., 32 & 33 Vict. c. 44. s. 2.	
c. 36. -	Establishment of central criminal court for trial of offences in metropolis, &c.	Rep., Stat. Law Rev. Act, 1874.	
c. 37. -	Lotteries for improvement of Glasgow	Rep. in part, Stat. Law Rev. Act, 1874.	
c. 38. -	Local disturbances, &c., Ireland	Sect. 13, virt. rep.	
c. 39. -	Costs in actions of quare impedit	Rep., Stat. Law Rev. Act, 1874.	
c. 40. -	Amendment of laws relating to friendly societies - - - -	- - - - -	
c. 41. -	Appointment of ministers to churches in Scotland built by voluntary contribution.	Rep. in part, 9 & 10 Vict. c. 27. s. 8.	653
c. 42. -	Taking of affidavits, &c. in stannaries court of Cornwall.	Rep., with savings, 13 & 14 Vict. c. 115. s. 1.	654
c. 43. -	Power of persons duly appointed to act as justices in Scilly Islands without property qualification.	Rep., 18 & 19 Vict. c. 63. s. 1., but see— 6 & 7 Will. 4. c. 32. s. 4. 17 & 18 Vict. c. 56. s. 2.	
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c. 55. -	Valuation, Ireland - - -	Rep., 13 & 14 Vict. c. 102. s. 60.	
c. 56. -	Insolvent debtors, Ireland - -	Rep. in part, Stat. Law Rev. Act, 1874.	
c. 57. -	Stamps - - - -	Rep., 14 & 15 Vict. c. 102. s. 3. residue, 17 & 18 Vict. c. 120. s. 4.	
c. 58. -	Exchequer bills - - - -	Rep., Stat. Law Rev. Act, 1874.	
c. 59. -	Forest of Dean boundary commission, &c. - - - -	Rep., 32 & 33 Vict. c. 14. s. 39.	
c. 60. -	Amendment of laws as to land and assessed taxes, and consolidation of boards of stamps and taxes.	Rep., Stat. Law Rev. Act, 1874.	
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c. 88.	Parliamentary elections, Scotland - }		
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c. 2. -	Newspaper printers relief -	Rep., 6 & 7 Will. 4. c. 76. s. 32.	
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c. 6. -	Governor-general, &c. indemnity, &c., India -	Rep., Stat. Law Rev. Act, 1874.	
c. 7. -	Marine mutiny -		
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c. 10. -	Importation into Dominica -	Rep., Stat. Law Rev. Act, 1874.	
c. 11. -	Indemnity -	Rep., 34 & 35 Vict. c. 48.	
c. 12. -	Sugar duties and Exchequer bills -	Rep., Stat. Law Rev. Act, 1874.	
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c. 16. -	Commitment for contempt, taking bills pro confesso, privilege of Parliament, &c. in courts of equity, Ireland.	Rep. in part, Stat. Law Rev. Act, 1874.	761
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c. 20. -	Stamps and taxes -	Rep. in part, Stat. Law Rev. Act, 1874.	774
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c. 23. -	Loan societies and friendly societies -	Rep., Stat. Law Rev. Act, 1874.	
c. 24. -	Voluntary enlistment of seamen, and manning of the navy.	Rep. in part— 16 & 17 Vict. c. 69. ss. 3-5. 28 & 29 Vict. c. 112. s. 1. Stat. Law Rev. Act, 1874.	782
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c. 28. -	Declarations, &c. to be taken by sheriffs -	Rep., 34 & 35 Vict. c. 48.	
c. 29. -	Bankruptcy -	Rep., 32 & 33 Vict. c. 83. s. 20.	
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c. 38.	Government and inspection of prisons in Great Britain.	Rep. in part— 28 & 29 Vict. c. 126. s. 73. Stat. Law Rev. Act, 1874.	800
c. 39.	Discontinuance of excise survey on wine, &c.	Rep. in part, Stat. Law Rev. Act, 1874.	802
c. 40.	Duty on wood - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 41.	Securities for considerations arising out of gaming, &c. transactions.	Rep. in part, Stat. Law Rev. Act, 1874.	803
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c. 44.	Exchequer bills - - - - -	Rep., Stat. Law Rev. Act, 1874.	
c. 45.	Abolition of slavery - - - - -	Rep., 35 & 36 Vict. c. 44. s. 26.	
c. 46.	Exchequer court, Scotland - - -	Rep., Stat. Law Rev. Act, 1874.	
c. 47.	Clerk of crown in Chancery - - -	Rep. 37 & 38 Vict. c. 81. s. 12.	
c. 48.	Peace preservation, Ireland - - -	Rep., Stat. Law Rev. Act, 1874.	
c. 49.	Turnpike Acts continuance - - - }		
c. 50.	Consolidation, &c. of laws as to highways in England.	Rep. in part— 27 & 28 Vict. c. 101. s. 25. Stat. Law Rev. Act, 1874.	807
c. 51.	Relief to island of Dominica, &c. -	Rep. in part, Stat. Law Rev. Act, 1874.	859
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c. 53.	Merchant vessels, &c. - - - - -	Rep., 5 & 6 Vict. c. 107. s. 1.	
c. 54.	Avoidance of marriages within prohibited degrees of affinity, &c.	Rep. in part, Stat. Law Rev. Act, 1874.	862
c. 55.	Appointment, accounts, &c. of sheriffs, and return and recovery of fines, forfeited recognizances, &c., Ireland.	Rep. in part, Stat. Law Rev. Act, 1874.	863
c. 56.	Tonnage, &c. of ships - - - - -	Rep., 8 & 9 Vict. c. 84. s. 2. Rep., 26 & 27 Vict. c. 87. s. 1., but see s. 68. and 24 & 25 Vict. c. 14. s. 14.	872 873
c. 57.	Savings banks, Scotland - - - }	Rep. in part, Stat. Law Rev. Act, 1874.	
c. 58.	Hereditary land revenues of the crown, Scotland.	Rep. in part, Stat. Law Rev. Act, 1874.	
c. 59.	Cruelty to animals - - - - -	Rep., 12 & 13 Vict. c. 92. s. 1.	
cc. 60, 61.	Slave trade suppression, treaties with France, Sardinia, Denmark.	Rep., 36 & 37 Vict. c. 88. s. 30.	
c. 62.	Abolition of unnecessary oaths, and substitution of declarations, &c.	Rep. in part, Stat. Law Rev. Act, 1874.	875
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c. 73.	- Restriction on admission to bail in cases of forgery, &c., Scotland.	- - - - -	908
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c. 77.	- Glass duties - - - - -	Rep., 1 & 2 Vict. c. 44. s. 93.	
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c. 7.	- Indemnity - - - - -	Rep., 34 & 35 Vict. c. 48.	
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c. 10.	- Stafford election, witnesses' indemnity		
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c. 24.	Confirmation of marriages in St. Ann's chapel, Wandsworth.	Rep. in part, Stat. Law Rev. Act, 1874.	
c. 25.	Postage - - - -	Residue local and personal.	
c. 26.	Sugar duties - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 27.	Bankruptcy - - - -	Rep., 32 & 33 Vict. c. 83. s. 20.	
c. 28.	Giving of security by revenue officers by transfer of stock, &c. in lieu of bond.	Rep. in part, Stat. Law Rev. Act, 1874.	999
c. 29.	Improvement of police in district of Dublin metropolis.	Rep. in part, Stat. Law Rev. Act, 1874.	1002
c. 30.	Executions for murder - - -	Rep., 24 & 25 Vict. c. 95. s. 1.	
c. 31.	Chapels of ease, Ireland - -	Rep., 14 & 15 Vict. c. 71.	
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c. 33.	Erasures in instruments of sasine, &c., Scotland.	Rep. in part, Stat. Law Rev. Act, 1874.	1015
c. 34.	Hours of attendance at offices of clerks of the crown and clerks of the peace, Ireland.	Rep. in part, Stat. Law Rev. Act, 1874.	1016
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c. 38.	Sale of wine, spirits, beer, &c. by retail in Ireland.	Rep. in part— 2 & 3 Vict. c. 79. s. 3. 8 & 9 Vict. c. 64. s. 1. Stat. Law Rev. Act, 1874.	1032
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c. 40.	Turnpike Acts, Ireland, continuance -		
c. 41.	Abolition of Commissary Court of Edinburgh, &c.	Rep. in part, Stat. Law Rev. Act, 1874.	1039
c. 42.	Grant of certain powers to heirs of entail, &c., Scotland.	Rep. in part, Stat. Law Rev. Act, 1874.	1039
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c. 46.	Administration of justice, New South Wales, &c. - - -		
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c. 51.	Conversion of Richmond penitentiary into a Dublin prison, and amendment of law as to prisons in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874.	1047
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c. 57.	Offences near Cape of Good Hope	Rep., 26 & 27 Vict. c. 35. s. 6.	
c. 58.	Presentation of bills of exchange to acceptors <i>supra</i> protest for honour, &c.	- - - - -	1055
c. 59.	Copyright in prints and engravings	- - - - -	1055
c. 60.	Customs	Rep., 8 & 9 Vict. c. 84. s. 2.	
c. 61.	Shipowners' liability for losses by fire	Rep., Stat. Law Rev. Act, 1861.	
c. 62.	Turnpike Acts, Great Britain, continuance	Rep., Stat. Law. Rev. Act, 1874.	
c. 63.	Highway rates	- - - - -	
c. 64.	Restriction on renewal of leases by ecclesiastical persons.	- - - - -	1056
c. 65.	Informations under game laws, England: Collection of local taxes, &c., Scotland.	Rep. in part, 32 & 33 Vict. c. 14. s. 39.	1057
c. 66.	Advertising of foreign and other illegal lotteries.	Rep. in part, Stat. Law Rev. Act, 1874.	1058
c. 67.	Ecclesiastical appointments suspension	Rep., Stat. Law Rev. Act, 1874.	
c. 68.	Western Australia government	- - - - -	
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c. 70.	Sites for schoolrooms	Rep., 4 & 5 Vict. c. 38. s. 1.	
c. 71.	Commutation of tithes, England	Rep. in part, Stat. Law Rev. Act, 1874.	1070
c. 72.	Countervailing duties on spirit mixtures, &c.	Rep., Stat. Law Rev. Act, 1874.	
c. 73.	Court of Exchequer, Scotland	Rep. in part—	
c. 74.	Abolition and future performance of duties of certain offices in Court of Chancery, Ireland.	20 & 21 Vict. c. 60. s. 2. Stat. Law Rev. Act, 1874.	1098
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c. 83.	Regulation of offices of the Exchequer, Ireland.	- - - - -	1111
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c. 117.	- Kingstown harbour - - - - }	Rep. in part, 1 & 2 Vict. c. 36. s. 1. Residue local and personal.	



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**THE STATUTES**  
**(REVISED).**

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# THE STATUTES—REVISED EDITION.

2 & 3 WILLIAM IV. A.D. 1831–32.

## STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE FOURTEENTH DAY OF  
JUNE, A.D. 1831,

IN THE FIRST YEAR OF THE REIGN OF KING WILLIAM THE FOURTH,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE SIXTH  
DAY OF DECEMBER, A.D. 1831,

BEING THE SECOND SESSION OF THE TENTH PARLIAMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND IRELAND.

## CHAPTER I.

AN ACT for uniting the Office of the Surveyor General of His Majesty's Works  
and Public Buildings with the Office of the Commissioners of His Majesty's  
Woods, Forests, and Land Revenues ; and for other Purposes relating to  
the Land Revenues. [13th February 1832.]

**W**HEREAS by divers Acts, and particularly an Act passed in the tenth  
year of the reign of his late Majesty King George the Fourth, intituled  
“ An Act to consolidate and amend the laws relating to the management and  
“ improvement of his Majesty's woods, forests, parks, and chases, of the land  
“ revenue of the crown within the survey of the Exchequer in England, and of  
“ the land revenue of the crown in Ireland, and for extending certain pro-  
“ visions relating to the same to the Isles of Man and Alderney,” all honors,  
hundreds, castles, lordships, manors, forests, chases, woods, parks, messuages,  
lands, tithes, fisheries, franchises, services, rents, and other land revenues,  
possessions, tenements, and hereditaments whatsoever (advowsons of churches  
and vicarages only excepted) which belong to his Majesty, within the ordering  
and survey of the Court of Exchequer in England or Wales, in Ireland, in the  
Isle of Man and its dependencies, and the Isle of Alderney, whether in  
possession, remainder, or expectancy, (which said honors, hundreds, castles,  
lordships, manors, forests, chases, woods, parks, messuages, lands, tithes, fisheries,  
franchises, services, rents, and other land revenues, possessions, and tenements,  
are commonly called “ the possessions and land revenues of the crown,”) are  
under the management of a first commissioner and two other commissioners  
appointed by letters patent during his Majesty's pleasure, and styled “ The  
“ Commissioners of His Majesty's Woods, Forests, and Land Revenues ” : And  
whereas by an Act passed in the fifty-fourth year of his late Majesty King  
George the Third, intituled “ An Act for better regulation of the conduct of the  
“ business of the office of works, and the expenditure thereof,” his Majesty's  
works and public buildings, including as well the works and buildings the

10 Geo. 4.  
c. 50.

54 Geo. 3.  
c. 157.

expende of which is defrayed out of his Majesty's civil list revenues, as the works and buildings the expence of which is defrayed out of any funds granted by Parliament, or out of any part of the public revenue usually included in the incidental charges of such department, and the expenditure in respect of such works and buildings, are placed under the superintendence and controul of an officer appointed during his Majesty's pleasure, called "The Surveyor General" of his Majesty's Works and Public Buildings": And whereas William Henry Cooper and Frederick Grey Cooper, sons of Sir Grey Cooper, Baronet, deceased, are the only remaining grantees by letters patent of the office of auditor of the land revenues in England: And whereas, under an Act passed in the thirty-ninth year of the reign of his late Majesty King George the Third, intituled "An Act for transferring to the commissioners for auditing the public accounts the duties now performed in the office of the auditors of the land revenue, and for directing the mode of attesting the accounts of the paymaster general of his Majesty's forces," and under the said Act of the tenth year of the reign of his late Majesty, after the respective deaths of William Henry Cooper and Frederick Grey Cooper, the office of the said remaining auditors of the land revenue in England are directed to be abolished; and during the continuance of the said patent granted to William Henry Cooper and Frederick Grey Cooper the duties of the office of auditor for Chester, Derby, Lincoln, and Nottingham, and of the office of the auditor for the principality of Wales, (the grantees of which last-mentioned offices are dead) are performed by acting auditors in the said offices of the land revenue of the crown for the counties of Chester, Derby, Lincoln, and Nottingham, and for the principality of Wales, appointed or allowed by the commissioners of his Majesty's Treasury, and removable at pleasure; and after the determination of the said remaining office of auditor of the land revenue of the crown in England the accounts of the said commissioners of his Majesty's woods, forests, and land revenues are under the said last-mentioned Acts directed to be examined, tried, and audited by the commissioners appointed under the authority of an Act of the twenty-fifth year of the reign of his late Majesty King George the Third, intituled "An Act for better examining and auditing the public accounts of the kingdom": And whereas it is expedient that the management of the business of the office of works and buildings, and of the business of the office of the commissioners of his Majesty's woods, forests, and land revenues, should be united, and that the duties and powers now performed and exercised and exercisable by the commissioners of His Majesty's woods, forests, and land revenues, and the duties and powers under the said Act of the fifty-fourth year of the reign of his late Majesty King George the Third now performed and exercised or exercisable by the surveyor general of his Majesty's works and public buildings, should be performed and exercised by one set of commissioners, to be appointed for the performance and exercise thereof respectively; and it is also expedient that the said remaining office of auditor of the land revenue should be abolished forthwith, and that the examination and auditing of accounts now performed by the said remaining auditors and by the said acting auditors shall be transferred to the commissioners for examining and auditing the public accounts of the kingdom, appointed under the authority of the said Act of the twenty-fifth year of the reign of his late Majesty King George the Third; and it is just that the said William Henry Cooper and Frederick Grey Cooper should receive a compen-

39 Geo. 3.  
c. 83.

25 Geo. 3.  
c. 52.

sation for the loss they will sustain by the abolition of their said office of auditor of the land revenue ; and it is expedient that provision should be made for the removal of the books of entries, records, deeds, instruments, writings, maps, plans, and other official papers now deposited in the offices or which are or ought to be in the custody of the said remaining auditors of the land revenue of the crown of England, and of the said acting auditors of the land revenue for the counties of Chester, Derby, Lincoln, and Nottingham, and the principality of Wales, and for the future custody and care thereof, and also for the inrolment, in manner herein-after mentioned, of all deeds and instruments which, in case this Act had not been passed, ought, under the provisions of the said Act of the tenth year of the reign of his late Majesty, to have been inrolled in the said remaining office of the auditor of the land revenue of the crown, or in the office of any acting auditor performing the duty of auditor of the land revenue of the crown in England or Wales, and for the future custody and care of such deeds and instruments : Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, his heirs and successors, at any time after the passing of this Act, and so from time to time, by letters patent under the great seal, to appoint, in the place of the commissioners of his Majesty's woods, forests, and land revenues, and of the surveyor general of his Majesty's works and public buildings, any persons, not exceeding three in number, to be commissioners for performing the duties and exercising the powers now performed and exercisable by the commissioners of his Majesty's woods, forests, and land revenues, and the duties and powers now performed and exercisable by the surveyor general of his Majesty's works and public buildings ; and that the persons so first appointed, and their successors, shall be called "The Commissioners of his Majesty's Woods, Forests, Land Revenues, Works, and Buildings"; and that the duties heretofore performed, and the powers heretofore exercised or exercisable, and the hereditaments, properties, rights, exemptions, and privileges whatsoever vested in or enjoyed by the commissioners of his Majesty's woods, forests, and land revenues, and the duties heretofore performed and the powers heretofore exercised or exercisable and the exemptions and privileges enjoyed by the said surveyor general of his Majesty's works and public buildings shall, from and after such appointment, be performed and exercised and enjoyed by and vested in the commissioners of his Majesty's woods, forests, and land revenues, works and buildings, and their successors ; . . . . .

Appointment of commissioners of his Majesty's woods, forests, land revenues, works, and buildings, in place of commissioners of woods, forests, and land revenues, and surveyor general of works and buildings.

[VII.] AND be it further enacted, that it shall be lawful for his Majesty and his successors, by the letters patent by which the commissioners of his Majesty's woods, forests, land revenues, works, and buildings, shall be appointed as aforesaid, to grant to the person first named in such letters patent respectively (who shall be chairman of the commission, and be called the first commissioner), and to the other commissioners respectively, the like salaries as by the said Act of the tenth year of the reign of his late Majesty King George the

Commissioners to receive salaries.

[\* So much of this Act as relates to the salary of the first commissioner, rep., 14 & 15 Vict. c. 42. s. 4.]



Fourth his Majesty is empowered to grant to the first commissioner and the other commissioners respectively of his Majesty's woods, forests, and land revenues.

Powers of former Acts vested in the commissioners.

VIII. AND be it further enacted, that it shall and may be lawful for the commissioners to be appointed under this Act, and they are hereby authorized, empowered, and required, to exercise and carry into effect all the powers, authorities, clauses, enactments, and provisions contained in the said recited Act of the tenth year of the reign of his late Majesty King George the Fourth, either expressly or by reference to any other Acts, and also to execute and carry into effect all the powers, authorities, enactments, and provisions contained in any other Act or Acts relating to his Majesty's woods, forests, and land revenues, or to the estates and possessions of the crown, as fully, amply, and effectually, as the same could have been carried into effect and exercised by the commissioners of his Majesty's woods, forests, and land revenues aforesaid, or as if the commissioners to be appointed under this Act had been named in the said Acts instead of the commissioners of his Majesty's woods, forests, and land revenues aforesaid.

All leases, contracts, and agreements to remain in force in the same manner as if this Act had not passed.

IX. AND be it further enacted, that all leases and all contracts and agreements for the letting of any part or portion of the estates and possessions of his Majesty, which shall have been made or entered into by the commissioners of his Majesty's woods, forests, and land revenues, and all deeds, contracts, and agreements which shall have been made or entered into by the said commissioners, or by the surveyor general of his Majesty's works and public buildings, shall, from and after the appointment of the commissioners under this Act, continue and be of the same force and effect against and for the benefit of the commissioners to be appointed under this Act, as the same would have been of against and for the benefit of the commissioners of his Majesty's woods, forests, and land revenues, or the surveyor general of his Majesty's works and public buildings, in case this Act had not been passed; and the commissioners to be appointed as aforesaid under this Act shall have the same powers and remedies for recovering the rents and compelling performance of the covenants in such leases respectively contained and on the part of the lessees to be paid and performed, and for enforcing the performance of such deeds, contracts, and agreements, and for recovering any penalties or damages for the nonpayment of such rents, or nonperformance of such covenants, deeds, contracts, and agreements, and shall also have the same benefit of all securities given or entered into for the due payment of such rents, and performance of such covenants, contracts, and agreements respectively, and of all other securities given or entered into, to or with the commissioners of his Majesty's woods, forests, and land revenues, or the surveyor general of his Majesty's works and public buildings, as such commissioners or surveyor general respectively could have had in case this Act had not been passed, or as if the commissioners to be appointed under this Act had been parties to or named in such leases, contracts, agreements, and securities, instead of the commissioners of his Majesty's woods, forests, and land revenues, or the surveyor general of his Majesty's works and public buildings, or as if the said securities had been given to the commissioners to be appointed under or by virtue of this Act; and all rents and sums of money which, if this Act had not been passed, would, from and after the appointment of the commissioners under this Act, have been due and payable to the com-

missioners of his Majesty's woods, forests, and land revenues, or to the surveyor general of his Majesty's works and public buildings, shall be due and payable to and shall be paid to the commissioners to be appointed under this Act; and such commissioners shall have the same benefit of all bonds and securities, and of all other remedies for recovering and obtaining payment of such sums respectively, as the commissioners of his Majesty's woods, forests, and land revenues, or the surveyor general of his Majesty's works and public buildings, might or could have had in case this Act had not been passed; and all debts and sums of money, which, if this Act had not been passed, would from and after the appointment of the commissioners under this Act have been payable by the commissioners of his Majesty's woods, forests, and land revenues, or by the surveyor general of his Majesty's works and public buildings, shall be paid by the commissioners to be appointed under this Act; and the commissioners to be appointed under this Act shall, from and after they shall be appointed commissioners as aforesaid, be bound by every such lease, deed, contract, or agreement as aforesaid, in the same manner as if they had been parties thereto or named therein instead of the commissioners of his Majesty's woods, forests, and land revenues, or the surveyor general of his Majesty's works and public buildings.

X. AND be it further enacted, that the first commissioner of his Majesty's woods, forests, land revenues, works, and buildings . . . . . shall have the powers and privileges, and for all purposes whatsoever shall come in the place and be the successor of the first commissioner of his Majesty's woods, forests, and land revenues, as well in relation to all other matters as in relation to his Majesty's woods, forests, and land revenues; and that where any thing is, by any Act heretofore passed, required, directed, or permitted to be done by the commissioners of his Majesty's woods, forests, and land revenues, and which if done by two of them would by law be as valid and effectual as if done by all of them, and when any thing is by this Act or shall by any future Act be required, directed, or permitted to be done by the commissioners of his Majesty's woods, forests, land revenues, works, and buildings, the same may be done by any two of them, unless express provision be made to the contrary, and if done by two of them shall be as valid and effectual as if done by all of them.

Powers and privileges of first commissioner.

Two commissioners may act in certain cases.

\* \* \* \* \*  
XIII. AND be it further enacted, that from and after the fifth day of January one thousand eight hundred and thirty-three the said remaining office of auditor of the land revenue in England, of which the said William Henry Cooper and Frederick Grey Cooper are grantees as aforesaid, shall cease; [Rep., Stat. Law Rev. Act, 1874.]

Office of auditor of the land revenue abolished.

\* \* \* \* \*  
XV. AND be it further enacted, that it shall be lawful for the lord high treasurer, or the commissioners of his Majesty's Treasury for the time being, or any three or more of them, and he or they is and are hereby required, to provide a proper building or buildings, in London or Westminster, for the reception and safe custody of all the books of entry, records, deeds, instruments, writings, maps, plans, and other official papers, which are now deposited or kept in the offices or which are or ought to be in the custody of the said remaining auditors or of any of the said acting auditors of the land revenues of the crown in England or in the principality of Wales, and also for the reception and safe

Commissioners of the Treasury to provide an office of land revenue records and enrolments;

custody of such deeds and instruments as shall hereafter be inrolled in pursuance of the directions herein-after contained, and of such other writings, surveys, maps, plans, and other official papers as shall hereafter be deposited as herein-after mentioned; and that the building or buildings so to be provided shall be called "The Office of Land Revenue Records and Inrolments."

and appoint a  
keeper thereof.

XVI. AND be it further enacted, that it shall be lawful for the lord high treasurer, or the commissioners of his Majesty's Treasury for the time being, or any three of them, from time to time to appoint a proper person to be the keeper of the said records and inrolments, and to make rules and regulations (not contrary to the provisions of this Act) for the execution of the duties of the office of keeper of the said records and inrolments.

Keeper to  
hold his office  
during pleasure;

XVII. AND be it further enacted, that the keeper of the records and inrolments shall hold his office during the pleasure of the lord high treasurer, or the commissioners for the time being of his Majesty's Treasury, and may be removed from his office by the lord high treasurer, or the commissioners of his Majesty's Treasury for the time being, or any three of them, at pleasure.

and to have  
a salary.

XVIII. AND be it further enacted, that it shall be lawful for the lord high treasurer, or the commissioners of his Majesty's Treasury for the time being, or any three or more of them, to assign to the keeper of the records and inrolments such salary or other remuneration as to the lord high treasurer, or to the commissioners of his Majesty's Treasury for the time being, or any three of them, shall seem meet.

Expences of  
office to be  
paid out of  
the fees.

XIX. AND be it further enacted, that the expences of providing and maintaining a building or buildings for the said office of records and inrolments, and all the expences of carrying on the business of the said office, including salaries and other remunerations, shall be paid and borne out of the produce of the fees to be taken as herein-after mentioned.

Official papers  
in custody of  
auditors or  
acting auditors  
to be removed  
into the new  
office.

XX. AND be it further enacted, that it shall be lawful for the lord high treasurer, or the commissioners of his Majesty's Treasury for the time being, or any three or more of them, as soon as conveniently may be, to cause all the books of entry, records, deeds, instruments, surveys, writings, maps or plans, and other official papers, which are now deposited or kept in the offices or which are or ought to be in the custody of the said remaining auditors or of any of the acting auditors of the land revenues of the crown in England or in the principality of Wales, to be removed to the said office of land revenue records and inrolments.

All deeds  
directed by  
former Acts to  
be inrolled in  
the office of  
any auditor or  
acting auditor,  
or of the com-  
missioners of  
accounts,  
to be inrolled  
in the new  
office.

XXI. AND be it further enacted, that all deeds or instruments which, in case this Act had not been passed, would or ought, after the said fifth day of January one thousand eight hundred and thirty-three, under the authority of the said Act of the tenth year of the reign of his late Majesty, or any other Act, or in pursuance of any covenant entered into by any person or persons with the King's Majesty, or the commissioners of his Majesty's woods, forests, and land revenues, to have been or might have been inrolled in the office of any auditor or acting auditor performing the duty of auditor of the land revenue of the crown in England or in the principality of Wales, or in the office of the commissioners for auditing the public accounts, shall be inrolled in the said office of land revenue records and inrolments.

Fees for  
inrolments,  
searches, &c.

XXII. AND be it further enacted, that such fees shall be paid for inrolments made under the authority of this Act, and for searches in the said office of land

revenue records and inrolments, and for office copies furnished by the same office, as the lord high treasurer, or the commissioners for the time being of his Majesty's Treasury, or any three or more of them, shall from time to time appoint, yet so that such fees shall not exceed the amount of the fees which have been used and accustomed to be taken upon the inrolment of the like deeds or instruments, and upon the like searches, and upon the furnishing of the like office copies; and that the fees on the inrolment of any lease, conveyance, deed, or other instrument by which any part or parts of the possessions and land revenues of the crown shall be demised, granted, sold, or given in exchange, shall be paid by the lessees, purchasers, or grantees, and in other cases by the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings; and a minute or docket of every such lease, grant, deed, or other instrument, shall be entered and preserved by the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings, in their office.

to be paid  
as directed by  
commissioners  
of the Trea-  
sury.

XXIII. AND be it further enacted, that the said keeper of the records and inrolments shall and he is hereby required to inrol or cause to be inrolled every deed and instrument which is hereby directed to be inrolled in the said office of records and inrolments in order of time as the same shall respectively be brought into his office for that purpose, and certify or cause to be certified, under his hand or the hand of some deputy or assistant for the time being of the said keeper of the records and inrolments, upon the said deeds or instruments respectively, when inrolled, the fact of their having been so inrolled.

Deeds to be  
inrolled in  
order as they  
are brought in,  
and inrolment  
to be certified  
thereon.

XXVI. AND be it further enacted, that where any deed or certificate, receipt or other instrument, which shall appear to have been made, given, or executed under the authority of this Act, or of any Act heretofore passed relating to the possessions and land revenues of the crown, shall have written thereon a memorandum of its having been inrolled in the said office of records and inrolments, and such memorandum shall purport to be signed by the keeper of the records and inrolments, or by any person acting as his deputy or assistant, such memorandum shall, in the absence of evidence to the contrary, be sufficient proof of the deed, certificate, receipt, or other instrument having been duly made, granted, given, or executed by the party or parties by whom the same shall purport to have been signed or executed, and of its having been duly inrolled as stated by such memorandum, and of the provisions of the Act, under which the same shall appear to have been made, granted, given, or executed, having been duly complied with; and such memorandum shall be receivable in evidence without proof of the handwriting of the signature thereto.

Memorandum  
of inrolment  
of deeds shall  
be received in  
evidence.

XXVII. AND be it further enacted, that in all cases where the inrolment of any deed or other instrument, or minute or docket, before the keeper of the records and inrolments, or the entry of any deed or other instrument in the office of the commissioners of his Majesty's woods, forests, land revenues, works, and buildings, shall be omitted or delayed beyond the period provided for the inrolment and entry thereof respectively, it shall be lawful for the commissioners of his Majesty's woods, forests, land revenues, works, and buildings, for any reasonable cause to them shown for the omission or delay, and they are hereby authorized and empowered, to permit the making of any

Deeds may be  
inrolled after  
the proper  
period, upon  
good cause  
being shown.

such inrolment or entry nunc pro tunc, and the same respectively when made under such authority shall be as valid and effectual as if made within the period limited for that purpose.

Inrolment  
under this  
Act shall  
have the same  
force as under  
10 Geo. 4. c. 50.

XXVIII. AND be it further enacted, that the inrolment of any deed or instrument pursuant to the provisions of this Act shall have the like force and effect as the inrolment thereof pursuant to the provisions of the said Act of the tenth year of the reign of his late Majesty would have had in case this Act had not been passed.

Keeper of the  
records to  
render accounts  
to commis-  
sioners of the  
Treasury, &c.

XXIX. AND be it further enacted, that the keeper of the records and inrolments shall from time to time, as often as thereunto required, render and give to the lord high treasurer or to the commissioners of his Majesty's Treasury for the time being an account of all monies which shall from time to time be received for fees in the said office of records and inrolments, and of all disbursements made for payment of the salaries and otherwise on account of the carrying on the business of the said office; and the monies so received, and which shall not be disbursed as aforesaid, shall from time to time be carried to and become part of the revenues arising from the possessions and land revenues of the crown.

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#### CHAPTER IV.

AN ACT for more effectually preventing Embezzlements by Persons employed in the Public Service of His Majesty. [13th February 1832.]

Recital of  
50 Geo. 3.  
c. 59.

WHEREAS by an Act passed in the fiftieth year of the reign of his late Majesty King George the Third, intituled "An Act for more effectually preventing the embezzlement of money or securities for money, belonging to the public, by any collector, receiver, or other person entrusted with the receipt, care, or management thereof," it is enacted, that if any person or persons to whom any money or securities for money shall be issued for public services shall embezzle such money, or in any manner fraudulently apply the same to his own use or benefit, or for any purpose whatever except for public services, every such person so offending, and being thereof duly convicted according to law, in any part of the United Kingdom, shall be adjudged guilty of a misdemeanor, and shall be sentenced to be transported beyond the sea, or to receive such other punishment as may by law be inflicted on persons guilty of misdemeanors, and as the court before which such offenders may be tried and convicted shall adjudge: And whereas it is expedient that further provision should be made with regard to embezzlements by persons employed in the public service of his Majesty: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said Act as is herein-before recited shall be and the same is hereby repealed, except as to any offences against the same committed before the passing of this Act, which offences shall be dealt with and punished as if this Act had not been passed; and that from and after the passing of this Act, if any person employed in the public service of his

Part of recited  
Act repealed.

Persons in the  
public service  
embezzling

[\* Rep., except as to Scotland, 24 & 25 Vict. c. 95. s. 1.]

Majesty, and entrusted by virtue of such employment with the receipt, custody, management, or control, of any chattel, money, or valuable security, shall embezzle the same, or any part thereof, or in any manner fraudulently apply or dispose of the same or any part thereof to his own use or benefit, or for any purpose whatsoever except for the public service, every such offender shall be deemed to have stolen the same, and shall in England and Ireland be deemed guilty of felony, and in Scotland of a high crime and offence, and on being thereof convicted in due form of law shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or to be imprisoned with or without hard labour, as to the court shall seem meet, for any term not exceeding three years.

any money or valuable securities with which they are entrusted, to be deemed guilty of felony, and in Scotland of a high crime and offence, &c.

II. AND be it enacted, that every tally, order, or other security whatsoever entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of the United Kingdom, or of Great Britain, or of Ireland, or of any foreign state, or to any share or interest in any fund of any body corporate, company, or society, or to any deposit in any savings bank, and every debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of this kingdom or of any foreign state, and every warrant or order for the delivery or transfer of any goods or valuable thing, shall throughout this Act be deemed for every purpose to be included under and denoted by the words "valuable security"; and that if any person so employed and entrusted as aforesaid shall embezzle or fraudulently apply or dispose of any such valuable security as aforesaid, he shall be deemed to have stolen the same within the intent and meaning of this Act, and shall be punishable thereby in the same manner as if he had stolen any chattel of like value with the share, interest or deposit to which such security may relate, or with the money due on such security or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in such security.

What to be included under the words "valuable securities" in this Act.

III. AND be it enacted, that it shall be lawful to charge in the indictment to be preferred against any offender under this Act and to proceed against him for any number of distinct acts of embezzlement or of fraudulent application or disposition as aforesaid, not exceeding three, which may have been committed by him within the space of six calendar months from the first to the last of such acts; and in every such indictment where the offence shall relate to any money or any valuable security, it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money, without specifying any particular coin or valuable security; and such allegation, so far as it regards the description of the property, shall be sustained if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved, or if he shall be proved to have embezzled any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and although such part shall have been returned accordingly.

Three different acts of embezzlement may be charged in the same indictment.

Allegation and proof of the property embezzled.

IV. AND be it further enacted, that in every such case of embezzlement or fraudulent application or disposition as aforesaid of any chattel, money, or

Property to be described as the King's.

valuable security, it shall be lawful in the order of committal by the justice of the peace before whom the offender shall be charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money, or valuable security as aforesaid in the King's Majesty.

Venue.

V. AND be it enacted, that every offender against this Act may be dealt with, indicted, tried, and punished either in the county or place in which he shall be apprehended, or in the county or place where he shall have committed the offence.

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## CHAPTER V.

AN ACT to provide for carrying on the Business of the Court of Session in Scotland when interrupted by the Death or necessary Absence of any of the Judges thereof. [13th February 1832.]

**W**HEREAS by the laws now in force for regulating the proceedings in the Court of Session in Scotland no sufficient provision is made for carrying on the business of the said court in the event of the death, sickness, or necessary absence of any of the lords ordinary in the outer house, or in the event of the judges in either division of the inner house being reduced to less than a quorum by such casualties, whereby great delays and inconveniences have been suffered; and it is expedient that these should be remedied: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be competent to the judges of the Court of Session, or a quorum thereof, in the case of the death, sickness, or other necessary absence of any of the lords ordinary of either division of the court, or of the junior lord ordinary acting as ordinary on the bills, to make such regulations by act of sederunt as may be necessary for carrying on the business of the outer house, and that either by appointing one of the judges of either division of the inner house to officiate in the outer house or bill chamber during such absence of any of the above lords ordinary, or by appointing a lord ordinary of one division to act in such case pro tempore as an ordinary of the other division.

Judges of the Court of Session may, in case of death, absence, &c. of any lord ordinary, make regulations for carrying on the business of the outer house.

When the judges of the inner house are reduced below a quorum, they shall call in one of the lords ordinary to assist.

II. AND be it further enacted, that in case of death, sickness, declinature, or necessary absence of any of the judges of the inner house of either division, the number of judges in such division shall be reduced to less than a quorum, it shall be in the power of the division so reduced in number, and they are hereby authorized and required, to call in one of the lords ordinary of the same or of the other division to sit and vote in the inner house until the number of judges in such division be again increased to a quorum.

## CHAPTER XVI.

AN ACT to consolidate and amend the Laws regulating the granting and issuing of Permits for the Removal of Goods under the Laws of Excise.

[24th March 1832.]

**W**HEREAS by certain Acts relating to the revenues of excise it is provided that certain commodities shall not be removed from any one place to any other place without a permit to accompany the same; and it is further provided that all such permits shall be granted and issued, obtained and used, under the rules, regulations, and provisions of the Acts in force for regulating the granting and issuing of permits: And whereas the laws in force in Great Britain and the laws in force in Ireland relating generally to the granting and issuing of permits for the removal and protection of goods and commodities, for the removal of which a permit is by the laws of excise required, contain different provisions and regulations, under which separate, distinct, and different forms of permits are required in Ireland from the form of permits in use in Great Britain: And whereas it is expedient that the provisions of the said laws should be uniform, and should be consolidated and amended: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all permits to be granted for the removal or conveyance of any commodities, for the removal of which a permit is or shall be required by any Act or Acts now in force or hereafter to be passed relating to the excise, shall be made and granted under the powers and directions of this Act.

All excise permits to be made and granted according to the provisions of this Act.

II. AND be it further enacted, that the commissioners of excise shall cause to be provided moulds or frames for the making of paper to be used in Great Britain and Ireland for permits, which paper shall have the words "excise office," with any other letters, figures, marks, or devices which the said commissioners shall direct, visible in the substance of such paper, and shall also cause to be provided plates engraved with such marks, stamps, and devices as to them shall seem meet, and from time to time may alter or vary any such plates, and may also cause to be provided types cast in any particular form for the printing, stamping, and marking the said paper; and all permits given by the respective officers of excise in the United Kingdom for the removal or conveyance of any commodity, for the removal of which a permit is by law required, shall be printed, stamped, and marked by the said plate or plates or types on paper so made as aforesaid; which said paper shall be made and the said plates engraved and types cast by such person or persons as shall be for that purpose from time to time authorized and appointed by the commissioners of excise under their hands and seals; and as well the said paper as the said plates so engraved and types so cast shall be kept by such officer or officers or other person as shall from time to time be appointed by the said commissioners for keeping the same; and no permit shall be printed, stamped, marked, or written, nor shall any permit be granted, in any part of the United Kingdom, by any officer of excise, but on paper so provided as aforesaid.

Commissioners of excise to provide moulds for making paper to be used for, and plates and types for printing permits.

III. AND be it further enacted, that every person who shall make, or cause or procure to be made, or shall aid or assist in the making, or shall knowingly

Unauthorized persons making or having in



their possession moulds with the words "excise office," &c., and persons forging or counterfeiting excise paper, or plates or types, or having the same in their possession, to be deemed guilty of felony, and be subject to transportation or imprisonment.

have in his, her, or their custody or possession, not being authorized by the said commissioners, and without lawful excuse, the proof whereof shall lie on the person accused, any mould or frame or other instrument having therein the words "excise office," or any other words, figures, marks, or devices peculiar to and appearing in the substance of the paper used by the said commissioners for permits, or with any or part of such words, figures, marks, or devices, or any of them, intended to imitate or pass for the same; and every person, except as before excepted, who shall make, or cause or procure to be made, or aid or assist in the making, any paper in the substance of which the words "excise office," or any other words, figures, marks, or devices peculiar to or appearing in the substance of the paper used by the commissioners of excise for permits, or any part of such words, figures, marks, or devices, or any of them, intended to imitate and pass for the same, shall be visible; and every person, except as before excepted, who shall knowingly have in his, her, or their custody or possession, without lawful excuse, (the proof whereof shall lie on the person accused,) any paper whatever in the substance of which the words "excise office," or any other words, figures, marks, or devices peculiar to and appearing in the substance of paper used by the commissioners of excise for permits, or any part of such words, figures, marks, or devices, or of any of them, intended to imitate and pass for the same, shall be visible; and every person, except as before excepted, who shall, by any art, mystery, or contrivance, cause or procure, or aid or assist in causing or procuring, the words "excise office," or any other words, figures, marks, or devices peculiar to and appearing in the substance of the paper used by the commissioners of excise for permits, or any or part of such words, figures, marks, or devices, or any of them, intended to imitate and pass for the same, to appear visible in the substance of any paper whatever; and every person not authorized or appointed as aforesaid, who shall engrave, cast, cut, or make, or cause or procure to be engraved, cast, cut, or made, or aid or assist in engraving, casting, cutting, or making, any plate, type, or other thing in imitation of or to resemble any plate or type made or used by the direction of the commissioners of excise for the purpose of marking or printing the paper to be used for permits; and every person, except as before excepted, who shall knowingly have in his or her custody or possession, without lawful excuse, proof whereof shall lie on the person accused, any such plate or type; shall for every such offence be adjudged a felon, and shall be transported for the term of seven years, or shall be imprisoned, at the discretion of the court before whom such person shall be tried, for any period not less than two years.

Persons forging or counterfeiting permits, or uttering or using forged or counterfeited permits, to be deemed guilty of a misdemeanor, and be subject to transportation or imprisonment.

IV. AND be it further enacted, that every person who shall counterfeit or forge, or cause or procure to be counterfeited or forged, or assist in counterfeiting or forging, any permit or any part of any permit, or shall counterfeit any impression, stamp or mark, figure or device, provided or appointed or to be provided or appointed by the commissioners of excise to be put on such permit, or shall utter, give, or make use of any counterfeited or forged permit, knowing the same or any part thereof to be counterfeited or forged, or shall utter, give, or make use of any permit with any such counterfeited impression, stamp or mark, figure or device, knowing the same to be counterfeited; or if any person or persons shall knowingly or willingly accept or receive any counterfeited or forged permit, or any permit with any such counterfeited

impression, stamp or mark, figure or device thereon, knowing the same to be counterfeited; shall for every such offence be adjudged guilty of a misdemeanor, and shall be transported for the term of seven years, or fined and imprisoned, at the discretion of the court.

V. AND be it further enacted, that no permit shall be granted by any officer of excise until a request note or requisition in writing shall have been delivered by or in behalf of the person requiring such permit; and every permit which shall be granted without a request note or requisition being delivered in manner required by this Act shall be actually void, and shall not protect any goods, wares, or merchandize mentioned in such permit.

A request note to be produced before a permit is granted.

VI. AND be it further enacted, that every request note for any permit shall contain the date thereof, and the name of the place from which and the place to which the commodities therein mentioned are to be carried, and the mode of conveyance by which such commodities are to be removed, and shall likewise contain the real name and surname and place of abode of the person or persons sending such commodities, and of the person to whom they are to be sent, and, in case of a company or copartnership, the name of the firm, company, or copartnership, together with such other particulars as the commissioners of excise shall from time to time direct or appoint, or as shall be required by any Act or Acts relating to the commodities in respect of which the permit shall be required; and every such request note shall be signed by the person requiring the permit, or by his or her known clerk or servant; and no permit shall be granted on any request note which shall not be so signed, and contain the several particulars aforesaid: Provided always, that no such request note or requisition shall be liable to any stamp duty thereon.

Request note to contain certain particulars and be signed.

VII. AND be it further enacted, that every permit to be granted for the removal of any commodities shall be made out in conformity with the request note; and every such permit shall be in such form, and shall be marked, stamped, and printed with such stamps, marks, figures, and devices, and shall contain such particulars, as the commissioners of excise shall direct.

Request notes not liable to stamp duty. Form, &c. of permits.

VIII. AND be it further enacted, that every officer of excise empowered to grant permits shall express and limit in every permit granted by him, as well the time during which such permit shall be in force for removing the commodities for which the permit shall be obtained from and out of the stock of the person taking out such permit, as also the time within which the same commodities shall be delivered and actually received into the stock of the person or persons to whom the same shall be so permitted to be sent; and every permit which shall not be actually used, as directed by this Act, within the time expressed and limited in such permit, shall within the said time be returned and re-delivered by the person who shall have obtained the same to the proper officer of excise; and if any permit shall not be so returned as aforesaid, and upon taking an account, by any officer or officers of excise, of the stock remaining in the hands or custody of the person or persons from or out of whose stock the commodities mentioned in such permit were thereby authorized to be removed, there shall not appear a sufficient decrease to answer the removal of the commodities mentioned in such permit, then the person or persons from or out of whose stock the commodities mentioned in such permit were thereby authorized to be removed shall forfeit and lose the like quantity of commodities so permitted to be removed, and not removed according to such

Permit to limit the time for which it is to be in force.

Goods not removed or delivered in time to be forfeited.

permission, and the same may be seized by any officer of excise; and in case any commodities specified in any permit shall be removed from the stock of the person taking out such permit, and the same shall not, within the time expressed and limited in such permit, be actually delivered and received into the stock of the person or persons to whom the same are mentioned in such permit to be sent, then and in every such case all such commodities so removed as aforesaid shall be deemed to be goods removed or removing without permit, and shall be forfeited and seized accordingly.

Goods seized which have been delayed by unavoidable accident or necessity shall be restored upon proof given.

IX. PROVIDED always, and be it further enacted, that in case any goods or commodities shall, by any unavoidable accident or necessity, be delayed, and thereby be prevented from being delivered into the stock or stocks of the persons to whom such goods shall be sent within the time limited and expressed in the permit, that then and in every such case the court or jurisdiction where any information shall be brought for the condemnation of any such seizure shall, upon proof of such unavoidable accident or necessity, direct the goods or commodities so seized to be restored to the owner or claimer thereof, any thing herein-before contained to the contrary notwithstanding.

Penalty on sending out or delivering or receiving goods without permit, 200*l*.

X. AND be it further enacted, that every person who shall remove, deliver, or send out, or cause or suffer to be removed, delivered, or sent out, from his stock, custody, or possession, any commodities for the removal whereof a permit is or shall be required, without a proper permit accompanying the same, or who having obtained a permit shall not send out therewith the commodities therein described, or return and re-deliver the said permit to the proper officer of excise within the time herein-before required, and every person who shall take or receive or suffer to be taken or received into or shall have in his, her, or their stock, custody, or possession, any commodities for the removal whereof a permit is required, without a proper permit accompanying or having accompanied the same, shall forfeit for every such offence two hundred pounds.

All goods removed, &c. without permit to be forfeited, and the person conveying them to forfeit 200*l*.

XI. AND be it further enacted, that all commodities for the removal whereof a permit is required, which shall be or shall have been delivered, removed, or sent out, or which shall be found removing, carrying, or conveying, or which shall be received, without a proper permit accompanying the same, shall be forfeited, and may be seized by any officer of excise; and every carrier, master of a vessel, boatman, and other person who shall be found or shall knowingly have been employed or engaged in, or shall knowingly aid or assist or have aided or assisted in, delivering, removing, carrying, or conveying any such commodities without a proper permit accompanying the same, shall forfeit two hundred pounds.

If goods for which a permit is required are delivered without one, the seller shall not recover the price by action; and if purchaser has paid the price, he may recover it within twelve months.

XII. AND be it further enacted, that in any action or suit, at law or in equity, on any bond, bill, note, or other security, contract, agreement, promise, or undertaking, where the whole or any part of the consideration thereof shall be for the value or price of any commodities for the removal of which a permit is or shall be required, and for and with which a proper permit shall not have been given, the defendant in such action or suit may plead and give in evidence that such commodities were delivered without a permit accompanying them; and if the jury shall find that such goods were delivered without a true and lawful permit having been obtained for the removal thereof, they shall find a verdict for the defendant; and if such commodities shall have been sold for

ready money, or if the person selling the same shall otherwise have been paid or satisfied for the value or price thereof, it shall be lawful for the person who shall have paid or satisfied such value or price, within twelve calendar months after payment or satisfaction made, to recover back from the seller of such commodities the amount of the value or price of such commodities, to be sued for and recovered by action of debt or on the case in any of his Majesty's courts of record.

XIII. AND be it further enacted, that every person who shall forge or counterfeit any request note for a permit, or shall forge or counterfeit or make use of the name of any trader entitled to obtain permits, for the purpose of falsely and fraudulently obtaining a permit, or shall utter or produce any forged, false, or untrue request note to any officer of excise, for the purpose of falsely and fraudulently obtaining a permit; and every person who shall insert in any request note the name of, or shall obtain a permit to, any fictitious person, as the person to whom the goods or commodities mentioned in such request note or permit are to be sent; and every person who shall fraudulently alter, erase, or obliterate any permit, or any part thereof, after the same shall have been granted by the proper officer of excise, or shall knowingly or willingly give an altered, erased, obliterated, false, or untrue permit; and every person who shall knowingly or willingly accept or receive any altered, erased, obliterated, false, or untrue permit with or for any commodities; and every person who, having obtained a permit, shall remove or send or deliver, or cause or procure or suffer to be removed, sent, or delivered, the commodities specified in any such permit to any other person than the person to whom the said permit shall permit the said commodities to be sent, or shall remove or send with such permit any other commodities than the commodities specified and described therein and thereby permitted to be removed, or any greater or lesser quantity of such commodities; and every person who shall request, obtain, sell, lend, deliver, employ, or make use of any permit, or shall procure or suffer any permit to be requested, obtained, sold, lent, delivered, or employed or made use of, for any other use or purpose whatsoever than to accompany the actual removal and delivery of the commodities as therein expressed, or shall produce, or cause or suffer to be produced, any such permit to any officer of excise as having been received with any commodities other than as aforesaid, or shall in any manner knowingly or willingly use or employ, or cause or suffer to be used or employed, any permit, so as that any account of any stock or of any commodities kept or checked or to be kept or checked by any officer of excise by such permit shall or may be frustrated or evaded; shall for every such offence severally forfeit the sum of five hundred pounds; and all commodities removing or removed with any such permit in any of the cases aforesaid shall be forfeited, and may be seized by any officer of excise.

Penalty on forging or counterfeiting request notes, or fraudulently procuring or altering permits, or misapplying or misusing them, 500*l.* and forfeiture of the goods.

XIV. AND be it further enacted, that where any commodities shall be forfeited and liable to be seized for being or having been sent, removed, carried, delivered, or received without a proper permit accompanying or having accompanied the same, or for any misuse of a permit, or breach of any regulation relating to permits, all casks, jars, bottles, and other vessels, cases, boxes, sacks, bags, and all and every package and covering whatsoever, in which such goods shall be found, and every horse and other beast or cattle, and every carriage, waggon, cart, vessel, boat, or other conveyance, used or employed or

Where goods are forfeited, the casks, &c. containing the same, and the horses and conveyance used in the removal of them, shall also be forfeited.

which shall have been used or employed in carrying, removing, or conveying such goods and commodities, shall also be forfeited, and may be seized.

Punishment  
of officer deli-  
vering out  
blank or false  
permits, &c.

XV. AND be it further enacted, that every officer of excise who shall deliver out or suffer to be delivered out any paper prepared or provided or appointed by the commissioners of excise to be used for permits in blank, or before such permit shall be filled up and issued agreeable to and in conformity with a request note; and every officer who shall knowingly give or grant any permit to any person not entitled to receive the same, or shall knowingly give or grant any false or untrue permit, or shall make any false or untrue entry in the counterpart of any permit given or granted by him, or shall knowingly or willingly receive or take any goods or commodities into the stock of any person or persons brought in with any false or untrue or fraudulent permit, or shall knowingly or willingly grant any permit for the removal of any goods or commodities out of or from the stock of any person or persons who shall have received or retained such goods or commodities, or any of them, under or by virtue or pretext of any false, untrue, forged, or fraudulent permit, or shall knowingly or willingly give any false credit in the stock of any person or persons beyond the credit to which such stock is justly and truly entitled, so as to enable such person or persons falsely and fraudulently to obtain a permit or permits; or if any such officer shall knowingly or willingly suffer the same to be done directly or indirectly; every officer so offending in any of the cases aforesaid shall be guilty of a misdemeanor, and on conviction shall suffer such punishment by fine and imprisonment, or fine or imprisonment, as the court shall award; and every officer so convicted shall from thenceforth be incapable of holding any office or place in or relating to any of the revenues of the United Kingdom.

Regulations  
for private  
persons obtain-  
ing permits.

XVI. AND be it further enacted, that where any person, not being a trader duly entered and licensed and under the survey of the excise, shall have occasion to remove from any one part of the United Kingdom to any other part thereof any goods or commodities for the removal of which a permit is or shall be by any law or laws of excise required, it shall be lawful for the officer authorized to grant permits in the place from whence such commodities are intended to be removed, on such person, or his, her, or their known servant or servants, declaring, to the satisfaction of the commissioners of excise or of the collector or supervisor of excise of the collection or district in which the place from whence such commodities are intended to be removed is situate, that all the duties for such commodities have, to the best of the knowledge and belief of the person proving the same, been fully paid, and in case such commodities are intended to be sent in and delivered to any other person than the person requiring the permit, then on a further declaration that the said goods or commodities have not been sold or disposed of to such other person, upon a request note sent and delivered to such officer so authorized to grant permits, to give and grant a permit or permits for the removal of such commodities.

Penalty on  
false decla-  
ration.

XVII. AND be it further enacted, that if any such declaration made by any person for the purpose of obtaining a permit for the removal of any goods or commodities shall be false or untrue in any particular or respect, the person knowingly making the same shall forfeit one hundred pounds.

Goods seized  
for breach of  
excise laws

XVIII. AND be it further enacted, that if any commodities for the removal of which a permit is or shall be required shall be seized for any breach or

violation of any of the laws of excise, such commodities shall be condemned and adjudged forfeited, notwithstanding that the claimant shall prove that a permit was produced when such commodities were removing and conveying, or that a permit was produced after such commodities were removed and received, unless the claimant shall also prove in such case that the commodities so seized are duty-paid, or the sale of such commodities had by reason of or in consequence of a forfeiture and condemnation thereof, or that the same had been received with a true and lawful permit from the stock of the trader duly authorized to obtain a permit for such goods; and if on the trial of any information, action, suit, or other proceeding at law brought for the recovery of any penalty or the condemnation of any commodities, or against any officer of excise for the seizure of any commodities, any question shall arise whether any commodities for the conveyance or protection of which any permit shall be produced or shall be alleged to have been obtained are the identical commodities described and specified in such permit, proof of such commodities being really and bonâ fide the commodities mentioned and specified in such permit shall lie upon the owner or claimer thereof, or the person from whom the same shall have been seized, as such owner or claimer or person shall be party to the suit, either as defendant or plaintiff.

shall be condemned, notwithstanding a permit may have been produced, unless proof is made that the duties have been paid, &c.

Proof of identity of goods described in permit.

XIX. AND be it further enacted, that whenever on the trial of any information, suit, or action, other proceeding at law, it may be necessary to prove the issuing of any permit or the contents thereof, the counterpart of such permit, together with the request note, may in all cases be admitted as evidence and proof that such permit was granted and issued, and of the contents thereof, according to the purport of such counterpart and request note, without producing or requiring the production of the original permit; and it shall not be necessary to prove any order of the commissioners of excise appointing or directing the form of any such permit or of any counterpart thereof respectively.

Counterpart of permit with request note to be evidence.

XX. AND be it further enacted, that . . . . . all and every provision in any Act or Acts relating to the excise contained for regulating the general form and issuing of permits for the removal and conveyance of extiseable commodities, for which similar provision is in and by this Act made, shall be and the same is and are hereby repealed.

General provisions of excise Acts as to permits repealed.

XXI. PROVIDED always, and be it further enacted, that nothing in this Act shall be construed to alter, repeal, or vary any Act by which a permit is required for the removal or conveyance of any particular goods or commodities, or any enactments, provisions, regulations, or restrictions in any such Act or Acts contained relating to the manufacturers, dealers in or retailers of such goods or commodities, or the survey or keeping the stocks thereof, or to the traders entitled to receive or obtain permits, or the number or permits to be taken out or obtained by such traders, or the quantities of goods or commodities for which and the restrictions and provisions under which permits are to be obtained, or to the delivery of permits to the officers of excise by persons receiving the same, or the credits to which such persons shall be entitled in respect of permits; but all and every such Act and Acts relating to the particular trade or business in and to the particular goods and commodities for which a permit is or shall be required shall, together with all enactments, clauses, penalties, forfeitures, provisions, restrictions, and regu-

Provisions as to permits in Acts regulating particular trades not to be affected.

lations therein, with all powers and authorities to any officer or officers to examine permits, or stop or examine and seize any goods or commodities for the removal whereof a permit is by any such Act or Acts required, or any persons removing such goods, shall remain in full force and effect.

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## CHAPTER XXI.

AN ACT to repeal several Acts of the Parliament of Ireland imposing Restrictions upon the Coal Trade, and to regulate the same.

[24th March 1832.]

**W**HEREAS by certain Acts of the Parliament of Ireland provisions were made subjecting the trade in coals in the cities of Dublin and Cork to divers restrictions, but the same having been found inconvenient in practice, several statutes have been from time to time made suspending or controlling the operation of such provisions: And whereas it is expedient that such restrictions should be altogether removed, and that the said trade in coals should be freed from all unnecessary restrictions and vexatious impediments: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the several Acts and parts of Acts passed in the Parliament of Ireland, herein-after mentioned, shall, except as herein-after excepted and provided for, cease and determine and be repealed; (that is to say,) so much of an Act passed in the fourth year of the reign of Queen Anne, intituled "An Act to regulate the taking and exacting of tolls throughout this kingdom, and to prevent the engrossing of coals in the city of Dublin," as in any way relates to coals; an Act passed in the sixth year of the reign of King George the First, intituled "An Act for the more effectual preventing the engrossing and regrating of coals in this kingdom"; an Act passed in the first year of the reign of King George the Second, intituled "An Act for preventing combinations to enhance the prices, and for avoiding exactions and abuses formerly practised in the sale and measure of coals"; an Act passed in the thirty-first year of the reign of King George the Second, intituled "An Act to prevent unlawful combinations to raise the price of coals in the city of Dublin"; an Act passed in the first year of the reign of King George the Third, intituled "An Act to prevent the excessive price of coals in the city of Dublin"; so much of an Act passed in the third year of the reign of King George the Third, intituled "An Act for continuing and amending certain statutes heretofore made for the better regulation of the city of Cork, and for enlarging the salary of the treasurer, and for the better regulating the sale of coals in the said city, and for other purposes," as in any way relates to the coal trade of the said city of Cork; an Act passed in the third year of the reign of King George the Third, intituled "An Act to continue and amend an Act to prevent the excessive price of coals in the city of Dublin"; and an Act passed in the thirty-third year of the reign of King George the Third, intituled "An Act to prevent the excessive price of coals in the city of Dublin, and for encouraging the storing thereof"; and the said several herein-before recited Acts and parts of Acts, and all Acts and parts of Acts continuing, reviving, or perpetuating the same, so far as relates to such continuation, revival, or perpetuation, are hereby repealed accordingly; save and except so far as the said Acts or parts of Acts respectively, or any of them, may repeal the whole or any part of any other Act or Acts; save and except so far as the said Acts or any of them impose or continue the duty of one shilling per ton on coals and culm imported, landed, or discharged within the city of Cork or county of the said city; and save and except as to offences committed and punishments awarded, and other matters and things done and performed, under the authority of the said Acts or any of them, at any time before the commencement of this Act, which shall be dealt with, considered, and punished as if this Act had not passed. [Rep., Stat. Law Rev. Act, 1874.]

Irish Acts  
herein-after  
recited re-  
pealed.

4 Ann. c. 8.

6 Geo. 1. c. 2.

1 Geo. 2. c. 21.

31 Geo. 2.  
c. 15.

1 Geo. 3. c. 10.

3 Geo. 3. c. 17.

3 Geo. 3. c. 27.

33 Geo. 3.  
c. 40.

II. AND be it further enacted, that on a conspicuous place of every ship, lighter, or vessel in which coals shall be publicly offered for sale in any port, harbour, or river in Ireland, there shall be affixed a board or label, on which there shall be legibly painted, printed, or written the reputed name or commonly received denomination or description of such coals, and the port or place from which such coals have been brought, and the price at which such coals are offered for sale; and in default of such board or label being affixed pursuant to the provisions herein-before made, or if the name, denomination, or description of such coals, or the place of port whence the same may have been brought, shall be falsely stated in any such board or label, then and in every such case the master or owner of such ship, lighter, or vessel shall, for every instance of coals sold in contravention of this Act, whether upon the same or different days, upon conviction thereof upon oath before any justice of the peace of the county, city, or place wherein such offence shall be committed, forfeit and pay the sum of five pounds, to be given to the houses of industry in Dublin or Cork, if the offence be therein committed, or to the infirmary or hospital of the same county, county of a city, or county of a town in which such offence shall be committed, in case the same be committed elsewhere than in the two said cities; and that in case any fine or penalty be not paid immediately on conviction, it shall be lawful for the justice of the peace before whom such conviction shall have been made to commit the offender to gaol, there to remain without bail or mainprize for any time not exceeding two months nor less than fifteen days, or until the fine be paid.

A board shall be placed on vessels for sale of coals in any port, harbour, or river describing the coals.

Penalty for omission.

III. AND be it enacted, that for the purposes of this Act any offence committed in violation thereof in any harbour, port, or river, or within five miles thereof, shall be deemed and considered as committed within any county, county of a city, or county of a town containing or contiguous to such harbour, port, or river.

Where offences shall be deemed to have been committed.

IV. AND be it further enacted, that nothing herein contained shall extend to repeal or in any way alter or affect any power or authority now by law vested in any corporate or other body, or any person or persons, at or previous to the commencement of this Act.

Saving of rights.

V. PROVIDED always, and be it further enacted, that no porter, carman, meter, or weighmaster, howsoever licensed or appointed, shall, under any pretext whatever, interfere in or meddle with the sale, measurement, weighing, delivery, or storage of coals, save upon the request and by desire of the buyer or seller thereof; nor shall any person sue for, demand, or take any fee, payment, or reward whatsoever, under pretext of being so licensed or appointed, save when and so far as he may be employed by such buyer or seller as aforesaid; and that it shall and may be lawful to employ, for the weighing, measuring, loading, or carriage of coals, any other person or persons whatever, and to make with such other person or persons any private or special agreement for his or their wages or hire, any law, statute, or usage to the contrary notwithstanding: Provided always, that nothing in this Act contained shall be held to bar or affect any right or claim which any meter or weighmaster or other person may have or make to any compensation or remuneration for or by reason of the loss of any fee or reward to which he or they may have been entitled before the passing of this Act.

The employment of licensed porters, meters, &c. to be optional.

Any persons may be employed to weigh, &c. coals.

Saving of rights of meters to compensation.



## CHAPTER XXXII.

AN ACT for the Erection of a Nisi Prius Court House in Dublin.

[23d May 1832.]

Irish Acts,  
30 Geo. 3. c. 41.

WHEREAS by an Act passed in the Parliament of Ireland in the thirtieth year of the reign of his late Majesty King George the Third, intituled “ An Act for enabling the lord high chancellor and the Court of Exchequer respectively to make orders on the governor and company of the Bank of Ireland, for payment, out of the general fund of monies belonging to the suitors of the courts of Chancery and Exchequer, of the sum therein mentioned towards building the principal courts of justice at Dublin and law offices, and for amending an Act, intituled ‘ An Act for better securing the monies and effects of the suitors of the Court of Chancery and Court of Exchequer by depositing the same in the national bank, and to prevent the forging and counterfeiting any draft, order, or other voucher for the payment or delivery of such money or effects, and for other purposes,’ ” it is amongst other things enacted, that out of the general fund of the monies of the suitors of his Majesty’s High Court of Chancery and Court of Exchequer, which then were or should be deposited in the Bank of Ireland, the governor and company of the Bank of Ireland should, within the space of three years from the twenty-fifth day of March one thousand seven hundred and ninety, pay to the lord high chancellor and chief judges, towards building the courts and offices therein mentioned, the sum of thirty thousand pounds, in manner therein provided: And whereas by another Act passed in the Parliament of Ireland, in the thirty-fourth year of the reign of his said late Majesty King George the Third, intituled “ An Act for enabling the lord high chancellor of Ireland and the Court of Exchequer respectively to make orders on the governor and company of the Bank of Ireland, for payment, out of the general fund of monies belonging to the suitors of the courts of Chancery and Exchequer, of the further sum therein mentioned, towards building the principal courts of justice at Dublin and law offices, and for declaring that all government securities purchased for the governor and directors of the said Bank, and profits arising therefrom, should be placed to the account of the governor and company of the said Bank,” it was amongst other things enacted, that a further sum of thirteen thousand five hundred pounds should be paid out of the said fund to the lord high chancellor and chief judges, towards building the said courts and offices: And whereas the dispatch of business in the said courts would be much facilitated by providing an additional court house in which causes may be tried at nisi prius during term, so as not to interrupt the business of any of the other courts, and in which the court of error, commonly called the Exchequer chambers, may also hold its sittings without interruption to the business of the rolls court: Be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that out of the said general fund of the monies of the suitors of the said High Court of Chancery and Court of Exchequer, which now are or shall be deposited in the Bank of Ireland, the governor and company of the Bank of Ireland shall, from and after the twenty-fifth day of September one thousand eight hundred and thirty-two, from time to time, as may be required, pay to the commissioners for the extension and promotion of public works in Ireland, for building the said court house (and also for improving the accommodations in the present principal

4,000*l.* authorized to be advanced out of the general fund of the monies of the suitors of the Court of Chan-

courts of justice in Dublin), any further sum or sums of money, not exceeding in the whole the sum of four thousand pounds, upon any order or orders which the lord high chancellor, or the lord high keeper or lords commissioners for the custody of the great seal of Ireland for the time being, and the lord chief baion of the Court of Exchequer for the time being, shall respectively make for that purpose in each year respectively. [Rep., Stat. Law Rev. Act, 1874.]

II. AND be it further enacted, that it shall and may be lawful for the judges of the Court of King's Bench, or any one or more of them, and for the judges of the Court of Common Pleas, or any one or more of them, and for the barons of the Court of Exchequer, or any one or more of them, to sit in the said new court house, and there to hear, try, and determine all or any issues, civil or criminal, joined or to be joined in the said respective courts, and to pronounce judgment and make orders, and to have and exercise in the said new court house all the same powers, privileges, and authorities as if such judges or barons respectively were sitting in their said respective courts; and that all process, orders, acts, and proceedings so to, from and in the said new court house to be made and had, shall be valid and effectual as if made and had in the said courts respectively; and that all jurors, parties, witnesses, sheriffs, bailiffs, and others shall be bound and are hereby required to attend before the said judges and barons respectively or any judge or baron presiding as aforesaid in the said new court house, as fully and effectually as if the said judges or judge, barons or baron, were sitting in their said respective courts.

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### CHAPTER XXXIII.

AN ACT to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in England and Ireland respectively.

[23d May 1832.]

**W**HEREAS great inconvenience and delays of justice arise from the defect of jurisdiction in courts of equity to effectuate the service of their process in such parts of the United Kingdom of Great Britain and Ireland as are not within the jurisdiction of the said respective courts: For remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the courts of Chancery and of Exchequer in England respectively, if they shall so think fit, upon special motion of the complainant or complainants in any suit which has been or shall be instituted in such courts respectively concerning lands or tenements or hereditaments situate or being within that part of the United Kingdom called England or Wales, to order and direct that service in any part of the United Kingdom of Great Britain and Ireland and in the Isle of Man respectively of any subpoena or subpoenas, letter missive or letters missive, and of all subsequent process to be had thereon, upon any defendant or defendants in such suit then residing in such part of the said United Kingdom or Isle of Man in which he, she, or they shall be so served, shall be deemed good service of or be made upon such defendant or defendants, upon such terms and in such manner and at such time as to such courts respectively shall seem reasonable; and that thereupon it shall and may be lawful for such courts respectively to proceed upon such service so made as aforesaid as

cery and Court of Exchequer in Ireland for building a new court of nisi prius, &c.

Judges of the King's Bench and Common Pleas, and barons of the Exchequer may sit in the new court house for trial of issues, &c.

Courts of Chancery and Exchequer of England, in suits concerning lands, &c. in England, may direct process to be served in any part of the United Kingdom and in the Isle of Man.

fully and as effectually as if the same had been duly made within the jurisdictions of such courts respectively.

Courts of Chancery and Exchequer of Ireland, in suits concerning lands, &c. in Ireland, may direct process to be served in any part of the United Kingdom and in the Isle of Man.

II. AND be it further enacted, that it shall and may be lawful for the Courts of Chancery and of Exchequer in Ireland respectively, if they shall so think fit, upon special motion of the complainant or complainants in any suit which has been or shall be instituted in such courts respectively concerning lands or tenements or hereditaments situate or being within that part of the United Kingdom called Ireland, to order and direct that service in any part of the United Kingdom of Great Britain and Ireland and in the Isle of Man respectively of any subpoena or subpoenas, letter missive or letters missive, and of all subsequent process to be had thereupon, upon any defendant or defendants in such suit then residing in such part of the said United Kingdom or Isle of Man in which he, she, or they shall be so served, shall be deemed good service of or be made upon such defendant or defendants, upon such terms and in such manner and at such time as to such courts respectively shall seem reasonable; and that thereupon it shall and may be lawful for such courts respectively to proceed upon such service so made as aforesaid as fully and as effectually as if the same had been duly made within the jurisdiction of such courts respectively.

With subpoena, &c. served under this Act a copy of the prayer of the bill shall be served; and no process of contempt shall be entered, &c. without special order.

. III. PROVIDED always, and be it further enacted, that along with such subpoena or letter missive served under any such order as aforesaid of the said courts of Chancery and of Exchequer of England and of Ireland respectively, a copy of the prayer of such complainant's bill shall be served upon every such defendant; and provided also, that no process of contempt shall be entered upon any such proceedings as herein-before mentioned, nor any decree made absolute in any of the said courts in England or Ireland respectively, without the special order of such court, upon special motion made for such purpose: Provided also, that nothing in this Act shall be held to make it compulsory upon the complainant or complainants in any suit in any of the said respective courts to serve with process or bring before such courts respectively any party or parties, person or persons, further or otherwise than such complainant or complainants are now by law or the practice of such courts respectively required to do.

## CHAPTER XXXIX.

AN ACT for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at Westminster.]\* [23d May 1832.]

WHEREAS the process for the commencement of personal actions in his Majesty's superior courts of law at Westminster is, by reason of its great variety and multiplicity, very inconvenient in practice: . . . . .

\* \* \* \* \*

XI. AND whereas, according to the present practice, in certain cases no proceedings can be effectually had on any writ returnable within four days of the end of any term, until the beginning of the ensuing term, whereby an

\* So much of this Act as relates to the entering an appearance for the defendant by the plaintiff in any action in any of the superior courts of common law at Westminster, rep., 15 & 16 Vict. c. 76. s. 26.†

unnecessary delay is sometimes created : For remedy thereof be it enacted, that if any writ of summons, capias, or detainer issued by authority of this Act shall be served or executed on any day, whether in term or vacation, all necessary proceedings to judgment and execution may, except as herein-after provided, be had thereon, without delay, at the expiration of eight days from the service or execution thereof, on whatever day the last of such eight days may happen to fall, whether in term or vacation : Provided always, that if the last of such eight days shall in any case happen to fall on a Sunday, Christmas Day, or any day appointed for a public fast or thanksgiving, in either of such cases the following day shall be considered as the last of such eight days ; and if the last of such eight days shall happen to fall on any day between the Thursday before and the Wednesday after Easter Day, then in every such case the Wednesday after Easter Day shall be considered as the last of such eight days : Provided also, that if such writ shall be served or executed on any day between the tenth day of August and the twenty-fourth day of October in any year, special bail may be put in by the defendant in bailable process, or appearance entered, either by the defendant or the plaintiff, on process not bailable, at the expiration of such eight days : Provided also, that no declaration or pleading after declaration shall be filed or delivered between the said tenth day of August and twenty-fourth day of October.

Proceedings to judgment and execution may be had on writs after eight days from service or execution.

Proviso for Sunday, &c.,

and for long vacation.

XV. AND be it further enacted, that it shall be lawful, in term time, for the court out of which any writ issued by authority of this Act, or any writ of capias ad satisfaciendum, fieri facias, or elegit, shall have issued, to make rules, and also for any judge of either of the said courts, in vacation, to make orders, for the return of any such writ ; and every such order shall be of the same force and effect as a rule of court made for the like purpose ; provided always, that no attachment shall issue for disobedience thereof until the same shall have been made a rule of court.

Rules and orders may be made for the return of writs.

XIX. PROVIDED always, and be it further enacted, that nothing in this Act contained . . . shall extend to any cause removed into either of the said courts by writ of pone, certiorari, recordari, facias loquellam, habeas corpus, or otherwise.

Proviso for causes removed by certiorari, &c.

XXI. . . . . : Provided always, that nothing in this Act contained shall abridge, alter, or affect the franchises and jurisdictions of either of the counties palatine of Lancaster or Durham, or of any officer or minister thereof.

Saving for jurisdiction of counties palatine of Lancaster and Durham.

## CHAPTER XL

AN ACT to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments. [1st June 1832.]

WHEREAS his Majesty, by his royal letters patent under the great seal, bearing date the second day of November one thousand eight hundred and thirty-one, was pleased to constitute and appoint certain persons therein

named to be principal officers and commissioners of his Majesty's navy, and by other letters patent under the great seal, bearing date the twenty-fifth day of February one thousand eight hundred and thirty-one, was pleased to constitute and appoint certain other persons therein named commissioners for victualling his Majesty's navy, and for the care of sick and wounded seamen : And whereas it has been deemed expedient that the number of offices in the civil departments of the navy should be reduced, and to that end that the offices or departments of the principal officers and commissioners of his Majesty's navy, and of the commissioners for victualling his Majesty's navy, and for the care of sick and wounded seamen, should be abolished : And whereas various duties of the said commissioners being established and regulated by divers Acts of Parliament, it is requisite that such Acts should in some cases be altered, and new provisions made for the due execution of the said duties : Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in case his Majesty shall be pleased to cancel and revoke the said letters patent by which the said several persons were respectively constituted and appointed principal officers and commissioners of the navy, and commissioners for victualling his Majesty's navy, and for the care of sick and wounded seamen, as aforesaid, all the interests, titles, authorities, powers, and duties vested in the said respective commissioners by any Act or Acts of Parliament, and every matter relating to them and their respective offices, shall from and after such revocation be and the same are hereby declared to be transferred to the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland for the time being, and shall be vested in and exercised by them in as full and ample a manner, to all intents and purposes, as if they had been named in the said Acts instead of the commissioners of his Majesty's navy, and the commissioners for victualling his Majesty's navy, and for the care of sick and wounded seamen respectively, subject however to the provisions herein-after established : Provided always, that such transfer shall not be deemed to confer on the said commissioners for executing the office of lord high admiral aforesaid any new office within the meaning of an Act passed in the sixth year of the reign of her Majesty Queen Anne, intituled "An Act for the security of her Majesty's person and government, and of the succession to the Crown of Great Britain in the Protestant line"; nor shall any such commissioner last-mentioned, by taking upon himself, under any new letters patent which his Majesty may think fit to cause to be issued, the duties of the offices so abolished, be disqualified from sitting and voting in Parliament, or thereby vacate the seat in Parliament which any such commissioner may then hold ; any thing contained in the said Act of Queen Anne, or in any other Act, or any usage of Parliament, to the contrary notwithstanding ; but it is nevertheless hereby declared, that from and after the passing of this Act no greater number than five commissioners of the Admiralty shall be competent at any one time to sit and vote in the Commons House of Parliament.

In case his Majesty shall revoke the appointments of the commissioners of the navy and for victualling, &c., the powers and authorities vested in them by any statutes shall be transferred to the commissioners of the Admiralty ;

who shall not thereby be disqualified from sitting in Parliament under 6 Ann. c. 41. ;

but not more than five commissioners shall sit in the House of Commons at once.

\* \* \* \* \*

V. AND be it further enacted, that from and after the passing of this Act it shall be lawful for the commissioners for executing the office of lord high admiral aforesaid for the time being, or any one or more of them, and they and each of them are and is hereby empowered, to administer an oath or oaths in any cases touching or concerning his Majesty's naval monies, stores, victuals, or provisions, or the accounts thereof, or in any other matter relating to his Majesty's naval service, and also from time to time, in all places whatever, to execute the office and authority of a justice of the peace in as full and ample a manner as any commissioners of the navy or victualling are by any Act of Parliament now in force, or any justice under any commission is authorized to execute the same; and all keepers of gaols, and all constables and other peace officers, are hereby respectively required from time to time diligently to execute and obey all such warrants as shall be lawfully made, directed, or given to them or any of them by any one or more of the said commissioners for executing the office of lord high admiral aforesaid; and all the laws made or to be made for the ease, safety, and protection of justices of the peace in the execution of their office shall extend to the said last-mentioned commissioners, and to all constables and other peace officers and persons acting under the warrant or authority of any such commissioners, as fully and effectually to all intents and purposes as if they were herein enacted.

Commissioners of the Admiralty may administer oaths and act as justices.

VI. AND whereas an Act was passed in the third year of the reign of his late Majesty King George the Fourth, for enabling two or more commissioners for executing the office of lord high admiral, when the number of such commissioners is less than six, to do certain acts theretofore done by three or more of the same commissioners: And whereas, considering the additional duty to be performed by the said commissioners in consequence of the abolition of the said offices as aforesaid, it is expedient to authorize the execution of any of their duties by two commissioners only, even when such commissioners shall be six or more in number: Be it further enacted, that from and after the passing of this Act the said last-recited Act shall be and the same is hereby repealed; and that from thenceforth it shall be lawful for any two or more commissioners for executing the office of lord high admiral aforesaid, and they are hereby empowered, to exercise and execute all powers, authorities, and duties, and to perform and do all acts, matters, and things appertaining to their office, which by any Act or Acts of Parliament are authorized or required to be executed or done by three or more of them, or by the commissioners of the navy and victualling respectively; and all such authorities, duties, matters, and things executed and performed by two or more of the said commissioners of the Admiralty shall be valid and effectual to all intents and purposes.

3 Geo. 4. c. 19. recited;

and repealed.

Two commissioners of the Admiralty may execute all powers.

VII. AND be it further enacted, that in all deeds, conveyances, leases, contracts, and other instruments touching any estate, property, matter, or thing relating to the naval service, or to any department under the controul of the commissioners for executing the office of lord high admiral aforesaid, or whereto they or any of them shall be parties, it shall be sufficient to describe them generally by the style and title of "The Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland," without expressing their names; and that all such deeds,

Style and title of the commissioners.

conveyances, leases, contracts, and other instruments wherein the said commissioners shall be so described, and the execution thereof by any two of them, shall be as valid and effectual to all intents and purposes as if they or any of them had been expressly named therein.

\* \* \* \* \*

## CHAPTER XLII.

AN ACT to authorize (in Parishes inclosed under any Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers. [1st June 1832.]

**W**HEREAS in parishes inclosed under Acts of Parliament there are in many cases allotments made for the benefit of the 'poor, chiefly with a view to fuel, which are now comparatively useless and unproductive: And whereas it would tend much to the welfare and happiness of the poor if those allotments could be let at a fair rent, and in small portions, to industrious cottagers of good character, while the distribution of fuel might be augmented by appropriating the said rents to the purchase of an additional quantity: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the trustees of the said allotments, together with the churchwardens and overseers of the poor in parish vestry assembled, and they are hereby required, to let portions of any such allotment, not less than one fourth of a statute acre [Rep., 36 & 37 Vict. c. 19. s. 10.], and not exceeding one such acre, to any one individual, according to their discretion, as a yearly occupation from Michaelmas to Michaelmas, (and at such rent as land of the same quality is usually let for in the said parish,) to such industrious cottagers of good character, being day labourers or journeymen legally settled in the said parish, and dwelling within or near its bounds, as shall apply for the same in the manner herein-after mentioned.

Trustees and parish officers in vestry assembled shall let portions of poor allotments to industrious cottagers.

Land to be duly cultivated.

II. PROVIDED also, and be it further enacted, that the person hiring the same shall be held bound to cultivate it in such a manner as shall preserve the land in a due state of fertility.

Vestry to be held annually to receive applications.

III. AND be it further enacted, that for the purpose of carrying this Act into effect a vestry shall be held in the first week in September in every year, of which ten days notice shall be given in the usual manner, at which vestry the trustees of the said allotments may attend and vote, if they shall so think fit, and at which vestry, or some adjournment thereof, any industrious cottager of good character who may desire to rent such portion of land as aforesaid may apply for the same; and the said vestry are hereby required, taking into consideration the character and circumstances of the applicant, to determine the case, either by rejecting his application, or by making an order that he shall be permitted to occupy such portion of the poor allotment, being not less than one fourth of a statute acre [Rep., 36 & 37 Vict. c. 19. s. 10.], nor exceeding one such acre, as the said vestry in their discretion shall determine, and upon the terms herein-before enacted; and the said order of vestry shall be held to all intents and purposes to be a sufficient title and authority to such applicant to enter into the occupation of such land at the time therein appointed.

Order of vestry to authorize occupation.

IV. PROVIDED always, and be it further enacted, that the rent shall be reserved and payable to the churchwardens and overseers of the poor, on behalf of the vestry, in one gross sum for the whole year, and shall be paid to one or either of them at the end of the year's occupation.

Payment of rent.

V. AND be it further enacted, that if the rent of such portion of land shall at any time be four weeks in arrear, or if at the end of any one year of occupation it shall be the opinion of the vestry that the land has not been duly cultivated, so as to fulfil the useful and benevolent purposes of this Act, then and in such case the churchwardens and overseers of the poor, or any or either of them, with the consent of the vestry, may serve a notice to quit upon the occupier of such portion of land; whereupon the said occupier shall deliver up possession of the same to the churchwardens and overseers aforesaid, or any or either of them, within one week after the said notice has been duly served upon him.

If rent is in arrear, or land not duly cultivated, tenant may be evicted.

VI. AND be it further enacted, that if any person to whom such portion of land as aforesaid shall have been let for his or her own occupation, shall refuse to quit and to deliver up possession thereof when thereto required according to the terms of this Act, or if any other person or persons shall unlawfully enter upon or take or hold possession of any such land, it shall be lawful for the churchwardens and overseers of the poor, or any or either of them, to exhibit a complaint against the person so in possession of such land before two of his Majesty's justices of the peace, who are hereby authorized and required to issue a summons under their hands and seals to the person against whom such complaint shall be made, to appear before them at a time and place appointed therein; and such justices are hereby required and empowered, upon the appearance of the defendant before them, or upon proof on oath that such summons has been duly served upon him, or left at his usual place of residence, or if there should have been any difficulty in finding such usual place of residence, then upon proof on oath of such difficulty, and that such summons has been affixed on the door of the parish church of the said parish in which such land is situated, and in any extra-parochial place on some public building or other conspicuous place therein, to proceed to hear and determine the matter of such complaint, and if they shall find and adjudge the same to be true, then by warrant under their hands and seals to cause possession of the land in question to be delivered to the churchwardens and overseers of the poor, or to some of them.

Power to recover possession of land illegally held over, or unlawfully entered upon, by summary process.

VII. AND be it further enacted, that all arrears of rent for the said portions of land shall be recoverable by the churchwardens and overseers of the poor, or any of them, on behalf of the vestry, by application to two of his Majesty's justices of the peace in petty sessions assembled, who shall thereupon summon the party complained against, and after hearing what he has to allege, should they find any rent to be due, they are required to issue a warrant under their hands and seals to levy the same upon the goods and chattels of the person from whom the said rent shall be due and owing.

Arrears of rent how to be recovered.

VIII. AND be it further enacted, that the rent of the said portions of land shall be applied by the vestry in the purchase of fuel, to be distributed in the winter season among the poor parishioners legally settled and resident in or near the said parish.

Application of rent.



Allotments may be let to other persons, and lands of equal value hired in exchange, for greater convenience of cottagers.

No habitations to be erected on the portions let.

IX. AND be it further enacted, that if any of the said allotments shall be found to lie at an inconvenient distance from the residences of the cottagers, it shall be lawful for the vestry by an order made to that effect to let such allotment, or any part thereof, for the best rent that can be procured for the same, and to hire in lieu thereof for the purposes of this Act land of equal value more favourably situated.

X. AND be it further enacted, that no habitations shall be erected on the portions of land demised under this Act, either at the expense of the parish or by the individuals renting the same.

Powers, &c. of this Act shall extend to lands inclosed under 1 & 2 Will. 4. c. 42. and c. 59.

XI. AND whereas by two Acts of the first and second years of the reign of his present Majesty, intituled "An Act to amend an Act of the fifty-ninth year of his Majesty King George the Third, for the relief and employment of the poor," and the other intituled "An Act to enable the churchwardens and overseers to inclose lands belonging to the crown, for the benefit of poor persons residing in the parish in which such crown land is situated," power is given, under certain restrictions, to inclose any quantity not exceeding fifty acres of waste land and crown land respectively, for the use and benefit of the poor: Be it further enacted, that in any parish where such inclosure shall exist or shall hereafter take place, or where land shall in any other manner be found appropriated for the general benefit of the poor of any parish, then and in such cases the powers and provisions of this Act shall be held to apply, in so far as the same may be found applicable.

## CHAPTER XLV.

AN Act to amend the Representation of the People in England and Wales. [7th June 1832.]

WHEREAS it is expedient to take effectual measures for correcting divers abuses that have long prevailed in the choice of members to serve in the Commons House of Parliament, to deprive many inconsiderable places of the right of returning members, to grant such privilege to large, populous, and wealthy towns, to increase the number of knights of the shire, to extend the elective franchise to many of his Majesty's subjects who have not heretofore enjoyed the same, and to diminish the expense of elections: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that each of the boroughs enumerated in the schedule marked (A.) to this Act annexed, (that is to say,) Old Sarum, Newtown, St. Michael's or Midshall, Gatton, Bramber, Bossiney, Dunwich, Ludgershall, St. Mawe's, Beeralston, West Looe, St. Ger-

Boroughs in schedule (A.) to cease to return members to Parliament.

[\* The clauses and provisions of this Act enacted for the purpose of forming a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in Parliament for any county, or for the riding, parts or division of any county, and for the purpose of forming a register of all persons entitled to vote in the election of a member or members to serve in Parliament for any city or borough in England and Wales, and for the defraying of the expenses to be incurred thereby, and for the appointment and payment of revising barristers, are rep., 6 & 7 Vict. c. 18. s. 1.]

main's, Newport, Blechingley, Aldborough, Camelford, Hindon, East Looe, Corfe Castle, Great Bedwin, Yarmouth, Queenborough, Castle Rising, East Grinstead, Higham Ferrers, Wendover, Weobly, Winchelsea, Tregony, Haslemere, Saltash, Orford, Callington, Newton, Ilchester, Boroughbridge, Stockbridge, New Romney, Hedon, Plympton, Seaford, Heytesbury, Steyning, Whitechurch, Wootton Bassett, Downton, Fowey, Milborne Port, Aldeburgh, Minehead, Bishop's Castle, Okehampton, Appleby, Lostwithiel, Brackley, and Amersham, shall from and after the end of this present Parliament cease to return any member or members to serve in Parliament.

II. AND be it enacted, that each of the boroughs enumerated in the schedule marked (B.) to this Act annexed, (that is to say,) Petersfield, Ashburton, Eye, Westbury, Wareham, Midhurst, Woodstock, Wilton, Malmesbury, Liskeard, Reigate, Hythe, Droitwich, Lyme Regis, Launceston, Shaftesbury, Thirsk, Christchurch, Horsham, Great Grimsby, Calne, Arundel, St. Ives, Rye, Clitheroe, Morpeth, Helston, North Allerton, Wallingford, and Dartmouth, shall from and after the end of this present Parliament return one member and no more to serve in Parliament.

Boroughs in schedule (B.) to return one member only.

III. AND be it enacted, that each of the places named in the schedule marked (C.) to this Act annexed, (that is to say,) Manchester, Birmingham, Leeds, Greenwich, Sheffield, Sunderland, Devonport, Wolverhampton, Tower Hamlets, Finsbury, Mary-le-bone, Lambeth, Bolton, Bradford, Blackburn, Brighton, Halifax, Macclesfield, Oldham, Stockport, Stoke-upon-Trent, and Stroud, shall for the purposes of this Act be a borough, and shall as such borough include the place or places respectively which shall be comprehended within the boundaries of such borough, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith; and that each of the said boroughs named in the said schedule (C.) shall from and after the end of this present Parliament return two members to serve in Parliament.

New boroughs in schedule (C.) hereafter to return two members.

Boundaries of such boroughs.

IV. AND be it enacted, that each of the places named in the schedule marked (D.) to this Act annexed, (that is to say,) Ashton-under-Lyne, Bury, Chatham, Cheltenham, Dudley, Frome, Gateshead, Huddersfield, Kidderminster, Kendal, Rochdale, Salford, South Shields, Tynemouth, Wakefield, Walsall, Warrington, Whitby, Whitehaven, and Merthyr Tydvil, shall for the purposes of this Act be a borough, and shall as such borough include the place or places respectively which shall be comprehended within the boundaries of such borough, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith; and that each of the said boroughs named in the said schedule (D.) shall from and after the end of this present Parliament return one member to serve in Parliament.

New boroughs in schedule (D.) hereafter to return one member.

Boundaries of such boroughs.

V. AND be it enacted, that the borough of New Shoreham shall for the purposes of this Act include the whole of the rape of Bramber in the county of Sussex, save and except such parts of the said rape as shall be included in the borough of Horsham by an Act to be passed for that purpose in this present Parliament; and that the borough of Cricklade shall for the purposes

The boroughs of Shoreham, Cricklade, Aylesbury, and East Retford shall include cer-

tain adjacent districts.

of this Act include the hundreds and divisions of Highworth, Cricklade, Staple, Kingsbridge, and Malmesbury, in the county of Wilts, save and except such parts of the said hundred of Malmesbury as shall be included in the borough of Malmesbury by an Act to be passed for that purpose in this present Parliament; and that the borough of Aylesbury shall for the purposes of this Act include the three hundreds of Aylesbury in the county of Buckingham; and that the borough of East Retford shall for the purposes of this Act include the hundred of Bassetlaw in the county of Nottingham, and all places locally situate within the outside boundary or limit of the hundred of Bassetlaw, or surrounded by such boundary and by any part of the county of Lincoln or county of York.

Weymouth and Melcombe Regis to return two members only, &c.

Penryn to include Falmouth; Sandwich, Deal and Walmer.

Boundaries of boroughs in England to be settled by an Act to be passed in this session.

VI. AND be it enacted, that the borough of Weymouth and Melcombe Regis shall from and after the end of this present Parliament return two members, and no more, to serve in Parliament; and that the borough of Penryn shall for the purposes of this Act include the town of Falmouth; and that the borough of Sandwich shall for the purposes of this Act include the parishes of Deal and Walmer.

VII. AND be it enacted, that every city and borough in England which now returns a member or members to serve in Parliament, and every place sharing in the election therewith, (except the several boroughs enumerated in the said schedule (A.), and except the several boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford,) shall, and each of the said boroughs of Penryn and Sandwich also shall, for the purposes of this Act, include the place or places respectively which shall be comprehended within the boundaries of every such city, borough, or place, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith.

Places in Wales in schedule (E.) to have a share in elections for the shire-towns, &c., named in conjunction therewith.

Boundaries of shire-towns and places in Wales to be settled by an Act to be passed in this session.

VIII. AND be it enacted, that each of the places named in the first column of the schedule (E.) to this Act annexed shall have a share in the election of a member to serve in all future Parliaments for the shire-town or borough which is mentioned in conjunction therewith, and named in the second column of the said schedule (E.)

IX. AND be it enacted, that each of the places named in the first column of the said schedule (E.), and each of the shire-towns or boroughs named in the second column of the said schedule (E.), and the borough of Brecon, shall for the purposes of this Act include the place or places respectively which shall be comprehended within the boundaries of each of the said places, shire-towns, and boroughs respectively, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith.

Boundaries of Swansea, Loughor, Neath, Aberavon, and Kenfig; which shall form one borough, and return one member.

X. AND be it enacted, that each of the towns of Swansea, Loughor, Neath, Aberavon, and Kenfig shall for the purposes of this Act include the place or places respectively which shall be comprehended within the boundaries of each of the said towns, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith; and that the said five towns, so

including as aforesaid, shall for the purposes of this Act be one borough, and shall, as such borough, from and after the end of this present Parliament, return one member to serve in Parliament; and that the portreeve of Swansea shall be the returning officer for the said borough; and that no person, by reason of any right accruing in any of the said five towns, shall have any vote in the election of a member to serve in any future Parliament for the borough of Cardiff.

Electors thereof not to vote for a member for Cardiff.

XI. AND be it enacted, that the persons respectively described in the said schedules (C.) and (D.) shall be the returning officers at all elections of a member or members to serve in Parliament for the boroughs in conjunction with which such persons are respectively mentioned in the said schedules (C.) and (D.); and that for those boroughs in the said schedules for which no persons are mentioned in such schedules as returning officers the sheriff for the time being of the county in which such boroughs are respectively situate shall, within two months after the passing of this Act, and in every succeeding respective year in the month of March, by writing under his hand, to be delivered to the clerk of the peace of the county within one week, and to be by such clerk of the peace filed and preserved with the records of his office, nominate and appoint for each of such boroughs a fit person, being resident therein, to be, and such person so nominated and appointed shall accordingly be, the returning officer for each of such boroughs respectively until the nomination to be made in the succeeding March; and in the event of the death of any such person, or of his becoming incapable to act by reason of sickness or other sufficient impediment, the sheriff for the time being shall on notice thereof forthwith nominate and appoint in his stead a fit person, being so resident as aforesaid, to be, and such person so nominated and appointed shall accordingly be, the returning officer for such borough for the remainder of the then current year; and no person, having been so nominated and appointed as returning officer for any borough, shall after the expiration of his office be compellable at any time thereafter to serve again in the said office for the same borough: Provided always, that no person being in holy orders, nor any churchwarden or overseer of the poor within any such borough, shall be nominated or appointed as such returning officer for the same; and that no person nominated and appointed as returning officer for any borough now sending or hereafter to send members to Parliament shall be appointed a churchwarden or overseer of the poor therein during the time for which he shall be such returning officer: Provided also, that no person qualified to be elected to serve as a member in Parliament shall be compellable to serve as returning officer for any borough for which he shall have been nominated and appointed by the sheriff as aforesaid, if within one week after he shall have received notice of his nomination and appointment as returning officer he shall make oath of such qualification before any justice of the peace, and shall forthwith notify the same to the sheriff: Provided also, that in case his Majesty shall be pleased to grant his royal charter of incorporation to any of the boroughs named in the said schedules (C.) and (D.) which are not now incorporated, and shall by such charter give power to elect a mayor or other chief municipal officer for any such borough, then and in every such case such mayor or other chief municipal officer for the time being shall be the only returning officer for such borough; and the provisions herein-before contained

Who shall be returning officers for the new boroughs.

Appointment of returning officer by sheriff of the county in certain cases.

Who disqualified.

Who exempt.

If any new borough shall receive a charter of incorporation, the mayor, &c. shall be returning officer.

with regard to the nomination and appointment of a returning officer for such borough shall thenceforth cease and determine.

Six knights of the shire for Yorkshire ; two for each riding.

Courts for election, where to be held.

Four knights of the shire for Lincolnshire ; two for the parts of Lindsey, two for Kesteven and Holland.

Courts for election, where to be held.

Counties in schedule (F.) to be divided, and to return four knights of the shire, two for each division.

Courts for election, where to be held.

Counties in schedule (F. 2.) to return three knights of the shire ; Carmarthen, Denbigh, Glamorgan, two each. Isle of Wight to be a county of itself, and to return a member.

XII. AND be it enacted, that in all future Parliaments there shall be six knights of the shire, instead of four, to serve for the county of York, (that is to say,) two knights for each of the three ridings of the said county, to be elected in the same manner, and by the same classes and descriptions of voters, and in respect of the same several rights of voting, as if each of the three ridings were a separate county ; and that the court for the election of knights of the shire for the north riding of the said county shall be holden at the city of York, and the court for the election of knights of the shire for the west riding of the said county shall be holden at Wakefield, and the court for the election of knights of the shire for the east riding of the said county shall be holden at Beverly.

XIII. AND be it enacted, that in all future Parliaments there shall be four knights of the shire, instead of two, to serve for the county of Lincoln, (that is to say,) two for the parts of Lindsey in the said county, and two for the parts of Kesteven and Holland in the same county ; and that such four knights shall be chosen in the same manner, and by the same classes and descriptions of voters, and in respect of the same several rights of voting, as if the said parts of Lindsey were a separate county, and the said parts of Kesteven and Holland together were also a separate county ; and that the court for the election of knights of the shire for the parts of Lindsey in the said county shall be holden at the city of Lincoln, and the court for the election of knights of the shire for the parts of Kesteven and Holland in the said county shall be holden at Sleaford.

XIV. AND be it enacted, that each of the counties enumerated in the schedule marked (F.) to this Act annexed shall be divided into two divisions, which divisions shall be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith ; and that in all future Parliaments there shall be four knights of the shire, instead of two, to serve for each of the said counties, (that is to say,) two knights of the shire for each division of the said counties ; and that such knights shall be chosen in the same manner, and by the same classes and descriptions of voters, and in respect of the same several rights of voting, as if each of the said divisions were a separate county ; and that the court for the election of knights of the shire for each division of the said counties shall be holden at the place to be named for that purpose in the Act so to be passed as aforesaid for settling and describing the divisions of the said counties.

XV. AND be it enacted, that in all future Parliaments there shall be three knights of the shire, instead of two, to serve for each of the counties enumerated in the schedule marked (F. 2.) to this Act annexed, and two knights of the shire, instead of one, to serve for each of the counties of Carmarthen, Denbigh, and Glamorgan.

XVI. AND be it enacted, that the Isle of Wight in the county of Southampton shall for the purposes of this Act be a county of itself, separate and apart from the county of Southampton, and shall return one knight of the shire to serve in every future Parliament ; and that such knight shall be chosen by the same classes and descriptions of voters, and in respect of the same several rights of voting, as any knight of the shire shall be chosen in any county in England ; and that all elections for the said county of the Isle of Wight shall be holden

at the town of Newport in the Isle of Wight, and the sheriff of the Isle of Wight, or his deputy, shall be the returning officer at such elections.

XVII. AND be it enacted, that for the purpose of electing a knight or knights of the shire to serve in any future Parliament, the east riding of the county of York, the north riding of the county of York, the parts of Lindsey in the county of Lincoln, and the several counties at large enumerated in the second column of the schedule marked (G.) to this Act annexed, shall respectively include the several cities and towns, and counties of the same, which are respectively mentioned in conjunction with such ridings, parts, and counties at large, and named in the first column of the said schedule (G.)

XVIII. AND be it enacted, that no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament, or in the election of a member or members to serve in any future Parliament for any city or town being a county of itself, in respect of any freehold lands or tenements whereof such person may be seised for his own life, or for the life of another, or for any lives whatsoever, except such person shall be in the actual and bonâ fide occupation of such lands or tenements, or except the same shall have come to such person by marriage, marriage settlement, devise, or promotion to any benefice or to any office, or except the same shall be of the clear yearly value of not less than ten pounds above all rents and charges payable out of or in respect of the same; any statute or usage to the contrary notwithstanding: Provided always, that nothing in this Act contained shall prevent any person now seised for his own life, or for the life of another, or for any lives whatsoever, of any freehold lands or tenements, in respect of which he now has, or but for the passing of this Act might acquire, the right of voting in such respective elections, from retaining or acquiring, so long as he shall be so seised of the same lands or tenements, such right of voting in respect thereof, if duly registered according to the respective provisions herein-after contained.

XIX. AND be it enacted, that every male person of full age, and not subject to any legal incapacity, who shall be seised at law or in equity of any lands or tenements of copyhold or any other tenure whatever except freehold, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate, of the clear yearly value of not less than ten pounds over and above all rents and charges payable out of or in respect of the same, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for the county, or for the riding, parts, or division of the county, in which such lands or tenements shall be respectively situate. [Rep., Stat. Law Rev. Act, 1874.]

XX. AND be it enacted, that every male person of full age, and not subject to any legal incapacity, who shall be entitled, either as lessee or assignee, to any lands or tenements, whether of freehold or of any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years, (whether determinable on a life or lives, or not,) of the clear yearly value of not less than ten pounds over and above all rents and charges payable out of or in respect of the same, or [Rep., Stat. Law Rev. Act, 1874.] for the unexpired residue, whatever it may be, of any term originally created for a period of not less than twenty years, (whether determinable on a life or lives, or not,) of the clear yearly value of not less than fifty pounds over and above all rents and charges payable out of or in respect of the same, or who shall occupy as tenant any lands or tenements for which he shall be bonâ fide liable to a yearly rent of not less than fifty pounds, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for the county, or for the riding, parts, or division of the county, in which

Election to be held at Newport, &c.

Towns and counties of the same in schedule (G.) to be included in adjoining counties, &c. for county elections.

Limitation on the right of voting for counties and for cities or towns being counties of themselves, in respect of freeholds for life.

Right of voting in counties extended to 10l. copyholders.

Right of voting in counties extended to leaseholders and occupiers of premises of a certain value above charges.

such lands or tenements shall be respectively situate : Provided always, that no person, being only a sub-lessee, or the assignee of any underlease, shall have a right to vote in such election in respect of any such term of sixty years or twenty years as aforesaid, unless he shall be in the actual occupation of the premises.

What not to be deemed charges.

XXI. AND be it declared and enacted, that no public or parliamentary tax, nor any church rate, county rate, or parochial rate, shall be deemed to be any charge payable out of or in respect of any lands or tenements within the meaning of this Act.

County voters need not be assessed to the land tax.

XXII. AND be it enacted, that in order to entitle any person to vote in any election of a knight of the shire or other member to serve in any future Parliament, in respect of any messuages, lands, or tenements, whether freehold or otherwise, it shall not be necessary that the same shall be assessed to the land tax ; any statute to the contrary notwithstanding.

Provision as to trustees and mortgagees.

XXIII. AND be it enacted, that no person shall be allowed to have any vote in the election of a knight or knights of the shire for or by reason of any trust estate or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate ; but that the mortgagor or cestuique trust in possession shall and may vote for the same estate notwithstanding such mortgage or trust.

No person to vote for a county in respect of any freehold house, &c. occupied by himself, which would confer a vote for a borough.

XXIV. AND be it enacted, that notwithstanding any thing herein-before contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament in respect of his estate or interest as a freeholder in any house, warehouse, counting-house, shop, or other building occupied by himself, or in any land occupied by himself together with any house, warehouse, counting-house, shop, or other building, such house, warehouse, counting-house, shop, or other building being, either separately or jointly with the land so occupied therewith, of such value as would, according to the provisions herein-after contained, confer on him the right of voting for any city or borough, whether he shall or shall not have actually acquired the right to vote for such city or borough in respect thereof.

No person to vote for a county in respect of copyholds and leaseholds which would confer a vote for a borough.

XXV. AND be it enacted, that notwithstanding any thing herein-before contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament in respect of his estate or interest as a copyholder or customary tenant, or tenant in ancient demesne, holding by copy of court roll, or as such lessee or assignee, or as such tenant and occupier as aforesaid, in any house, warehouse, counting-house, shop, or other building, or in any land occupied together with a house, warehouse, counting-house, shop, or other building, such house, warehouse, counting-house, shop, or other building being, either separately or jointly with the land so occupied therewith, of such value as would, according to the provisions herein-after contained, confer on him or on any other person the right of voting for any city or borough, whether he or any other person shall or shall not have actually acquired the right to vote for such city or borough in respect thereof.

No person to vote for a county unless registered.

XXVI. AND be it enacted, that notwithstanding anything herein-before contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament unless he shall have been duly registered according to the provisions herein-after contained ; and that no person shall be so registered in any year in respect of his estate or

No person to be registered

interest in any lands or tenements, as a freeholder, copyholder, customary tenant, or tenant in ancient demesne, unless he shall have been in the actual possession thereof, or in the receipt of the rents and profits thereof for his own use, for six calendar months at least next previous to the last day of July in such year, which said period of six calendar months shall be sufficient, any statute to the contrary notwithstanding; and that no person shall be so registered in any year, in respect of any lands or tenements held by him as such lessee or assignee or as such occupier and tenant as aforesaid, unless he shall have been in the actual possession thereof, or in the receipt of the rents and profits thereof for his own use, as the case may require, for twelve calendar months next previous to the last day of July in such year: Provided always, that where any lands or tenements, which would otherwise entitle the owner, holder, or occupier thereof to vote in any such election, shall come to any person, at any time within such respective periods of six or twelve calendar months, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to any office, such person shall be entitled in respect thereof to have his name inserted as a voter in the election of a knight or knights of the shire in the lists then next to be made by virtue of this Act as herein-after mentioned, and upon his being duly registered according to the provisions herein-after contained, to vote in such election.

unless he has been in possession for a certain time.

Exception in case of property coming by descent, &c.

[XXVII.] AND be it enacted, that in every city or borough which shall return a member or members to serve in any future Parliament, every male person of full age and not subject to any legal incapacity, who shall occupy, within such city or borough, or within any place sharing in the election for such city or borough, as owner or tenant, any house, warehouse, counting-house, shop, or other building, being, either separately or jointly with any land within such city, borough, or place, occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, of the clear yearly value of not less than ten pounds, shall, if duly registered according to the provisions herein-after contained, be entitled to vote in the election of a member or members to serve in any future Parliament for such city or borough: Provided always, that no such person shall be so registered in any year unless he shall have occupied such premises as aforesaid for twelve calendar months next previous to the last day of July in such year, nor unless such person, where such premises are situate in any parish or township in which there shall be a rate for the relief of the poor, shall have been rated in respect of such premises to all rates for the relief of the poor in such parish or township made during the time of such his occupation so required as aforesaid, nor unless such person shall have paid, on or before the twentieth day of July in such year, all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises previously to the sixth day of April then next preceding: Provided also, that no such person shall be so registered in any year unless he shall have resided for six calendar months next previous to the last day of July in such year within the city or borough, or within the place

Right of voting in boroughs to be enjoyed by registered occupiers of houses, &c. of the annual value of 10*l*.

No occupier to be registered unless he has been occupier for twelve months, and been rated to the poor rate, if any;

nor unless he has paid the poor rate and assessed taxes.

Residence for six months also required.

[\* So much of section 27 as relates to the residence of electors within seven miles of any city or borough is rep., in respect to electors otherwise qualified to be registered and to vote for members to serve in Parliament for the city of London, 30 & 31 Vict. c. 102. s. 46.]



sharing in the election for the city or borough, in respect of which city, borough, or place respectively he shall be entitled to vote, or within seven statute miles thereof or of any part thereof.

Premises may  
be occupied in  
succession.

XXVIII. AND be it enacted, that the premises in respect of the occupation of which any person shall be entitled to be registered in any year, and to vote in the election for any city or borough as aforesaid, shall not be required to be the same premises, but may be different premises occupied in immediate succession by such person during the twelve calendar months next previous to the last day of July in such year, such person having paid, on or before the twentieth day of July in such year, all the poor's rates and assessed taxes which shall previously to the sixth day of April then next preceding have become payable from him in respect of all such premises so occupied by him in succession.

Provision as to  
joint occupiers.

XXIX. AND be it enacted, that where any premises as aforesaid, in any such city or borough, or in any place sharing in the election therewith, shall be jointly occupied by more persons than one as owners or tenants, each of such joint occupiers shall, subject to the conditions herein-before contained as to persons occupying premises in any such city, borough, or place, be entitled to vote in the election for such city or borough, in respect of the premises so jointly occupied, in case the clear yearly value of such premises shall be of an amount which, when divided by the number of such occupiers, shall give a sum of not less than ten pounds for each and every such occupier, but not otherwise.

Occupiers may  
demand to be  
rated;

XXX. AND be it enacted, that in every city or borough which shall return a member or members to serve in any future Parliament, and in every place sharing in the election for such city or borough, it shall be lawful for any person occupying any house, warehouse, counting-house, shop, or other building, either separately, or jointly with any land occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, in any parish or township in which there shall be a rate for the relief of the poor, to claim to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof; and upon such occupier so claiming and actually paying or tendering the full amount of the rate or rates, if any, then due in respect of such premises, the overseers of the parish or township in which such premises are situate are hereby required to put the name of such occupier upon the rate for the time being; and in case such overseers shall neglect or refuse so to do, such occupier shall nevertheless for the purposes of this Act be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: . . . . .

and shall be  
put upon the  
rate, and be  
deemed to be  
rated from the  
time of the  
making of the  
rate.

Provision as  
to possession  
and residence  
of freeholders  
voting for  
cities and  
towns being  
counties of  
themselves.

XXXI. AND be it enacted, that in every city or town being a county of itself, in the election for which freeholders or burgage tenants, either with or without any superadded qualification, now have a right to vote, every such freeholder or burgage tenant shall be entitled to vote in the election of a member or members to serve in all future Parliaments for such city or town, provided he shall be duly registered according to the provisions herein-after contained; but that no such person shall be so registered in any year in respect of any freehold or burgage tenement, unless he shall have been in

the actual possession thereof, or in the receipt of the rents and profits thereof for his own use, for twelve calendar months next previous to the last day of July in such year, (except where the same shall have come to him, at any time within such twelve months, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or to any office,) nor unless he shall have resided for six calendar months next previous to the last day of July in such year within such city or town, or within seven statute miles thereof or of any part thereof: Provided always, that nothing in this enactment contained shall be deemed to vary or abridge the provisions herein-before made relative to the right of voting for any city or town being a county of itself in respect of any freehold for life or lives: Provided also, that every freehold or burgage tenement which may be situate without the present limits of any such city or town being a county of itself, but within the limits of such city or town, as the same shall be settled and described by the Act to be passed for that purpose as herein-before mentioned, shall confer the right of voting in the election of a member or members to serve in any future Parliament for such city or town, in the same manner as if such freehold or burgage tenement were situate within the present limits thereof.

Freeholds within the new boundaries to confer the right of voting.

[XXXII.] AND be it enacted, that every person who would have been entitled to vote in the election of a member or members to serve in any future Parliament for any city or borough not included in the schedule marked (A.) to this Act annexed, either as a burgess or freeman, or in the city of London as a freeman and liveryman, if this Act had not been passed, shall be entitled to vote in such election, provided such person shall be duly registered according to the provisions herein-after contained; but that no such person shall be so registered in any year, unless he shall, on the last day of July in such year, be qualified in such manner as would entitle him then to vote if such day were the day of election, and this Act had not been passed, nor unless, where he shall be a burgess or freeman or freeman and liveryman of any city or borough, he shall have resided for six calendar months next previous to the last day of July in such year within such city or borough, or within seven statute miles from the place where the poll for such city or borough shall heretofore have been taken, nor unless, where he shall be a burgess or freeman of any place sharing in the election for any city or borough, he shall have resided for six calendar months next previous to the last day of July in such year within such respective place so sharing as aforesaid, or within seven statute miles of the place mentioned in conjunction with such respective place so sharing as aforesaid and named in the second column of the schedule marked (E. 2.) to this Act annexed: Provided always, that no person who shall have been elected, made, or admitted a burgess or freeman since the first day of March one thousand eight hundred and thirty-one, otherwise than in respect of birth or servitude, or who shall hereafter be elected, made, or admitted a burgess or freeman, otherwise than in respect of birth or servitude, shall be entitled to vote as such in any such election for any city or borough as aforesaid, or to be so registered as aforesaid: Provided

Burgesses and freemen not to vote in boroughs, unless resident, &c.

Exclusion of burgesses and freemen created since the 1st of March 1831, except in respect of birth or servitude.

[\* So much of section 32 as relates to the residence of electors within seven miles of any city or borough is rep., in respect to electors otherwise qualified to be registered and to vote for members to serve in Parliament for the city of London, 30 & 31 Vict. c. 102. s. 46.]

Proviso as to  
burgesses and  
freemen by  
birth.

Proviso as  
to burgesses  
and freemen  
of Swansea,  
Loughor,  
Neath, Aber-  
avon, and  
Ken-fig.

No one shall  
vote unless  
qualified under  
this Act or  
entitled as a  
burgess or  
freeman.

Reservation of  
other existing  
rights, if the  
parties be duly  
registered.

Residence, &c.  
required.

Provision as  
to persons  
now entitled  
to vote for  
New Shore-  
ham, Cricklade,

also, that no person shall be so entitled as a burgess or freeman in respect of birth unless his right be originally derived from or through some person who was a burgess or freeman, or entitled to be admitted a burgess or freeman, previously to the first day of March in the year one thousand eight hundred and thirty-one, or from or through some person who since that time shall have become or shall hereafter become a burgess or freeman in respect of servitude: Provided also, that every person who would have been entitled, if this Act had not been passed, to vote as a burgess or freeman of Swansea, Loughor, Neath, Aberavon, or Ken-fig, in the election of a member to serve in any future Parliament for the borough of Cardiff, shall cease to vote in such election, and shall instead thereof be entitled to vote as such burgess or freeman in the election of a member to serve in all future Parliaments for the borough composed of the towns of Swansea, Loughor, Neath, Aberavon, and Ken-fig, subject always to the provisions herein-before contained with regard to a burgess or freeman of any place sharing in the election for any city or borough.

XXXIII. AND be it enacted, that no person shall be entitled to vote in the election of a member or members to serve in any future Parliament for any city or borough, save and except in respect of some right conferred by this Act, or as a burgess or freeman, or as a freeman and liveryman, or in the case of a city or town being a county of itself, as a freeholder or burgage tenant, as herein-before mentioned: Provided always, that every person now having a right to vote in the election for any city or borough (except those enumerated in the said schedule (A.)) in virtue of any other qualification than as a burgess or freeman, or as a freeman and liveryman, or, in the case of a city or town being a county of itself, as a freeholder or burgage tenant, as herein-before mentioned, shall retain such right of voting so long as he shall be qualified as an elector according to the usages and customs of such city or borough or any law now in force, and such person shall be entitled to vote in the election of a member or members to serve in any future Parliament for such city or borough, if duly registered according to the provisions hereinafter contained; but that no such person shall be so registered in any year unless he shall, on the last day of July in such year, be qualified as such elector in such manner as would entitle him then to vote if such day were the day of election and this Act had not been passed, nor unless such person, where his qualification shall be in any city or borough, shall have resided for six calendar months next previous to the last day of July in such year within such city or borough or within seven statute miles from the place where the poll for such city or borough shall heretofore have been taken, nor unless such person, where his qualification shall be within any place sharing in the election for any city or borough, shall have resided for six calendar months next previous to the last day of July in such year within such respective place so sharing as aforesaid, or within seven statute miles of the place mentioned in conjunction with such respective place so sharing as aforesaid, and named in the second column of the schedule marked (E. 2.) to this Act annexed: . . . . .

XXXIV. AND be it enacted, that every person now having a right to vote for the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, in respect of any freehold, wheresoever the same may be situate, shall retain such right of voting, subject always to the same provisions as are

herein-before mentioned with regard to persons whose right of voting for any borough is saved and reserved by this Act, save and except that such persons now having a right to vote for the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, shall not be registered in any year unless they shall have resided for six calendar months next previous to the last day of July in such year within the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, as defined by this Act, or within seven statute miles of such respective borough or of any part thereof; and that for the purpose of the registration herein-after required all persons now having a right to vote for the borough of New Shoreham in respect of any freeholds which may be situate in the borough of Horsham, or for the borough of Cricklade in respect of any freeholds which may be situate in the borough of Malmsbury, as such boroughs of Horsham or Malmsbury may respectively be defined by the Act to be passed for that purpose as herein-before mentioned, shall be inserted in the list of voters herein-after directed to be made by the overseers of that parish or township within the borough of New Shoreham or the borough of Cricklade respectively, as defined by this Act, which shall be next adjoining to the parish or township in which such freeholds shall respectively be situate; and if the parish or township in which any such freeholds shall be situate shall adjoin two or more parishes or townships within either of the said boroughs of New Shoreham or Cricklade, the persons so having a right to vote in respect of such freeholds shall be inserted in the list of voters to be made by the overseers of the least populous of such adjoining parishes or townships according to the last census for the time being.

Aylesbury, or East Retford in respect of freeholds.

XXXV. PROVIDED nevertheless, and be it enacted, that notwithstanding anything herein-before contained no person shall be entitled to vote in the election of a member or members to serve in any future Parliament for any city or borough (other than a city or town being a county of itself, in the election for which freeholders or burgage tenants have a right to vote as herein-before mentioned,) in respect of any estate or interest in any burgage tenement or freehold which shall have been acquired by such person since the first day of March one thousand eight hundred and thirty-one, unless the same shall have come to or been acquired by such person, since that day, and previously to the passing of this Act, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to any office.

Exclusion of right of voting in boroughs in respect of certain estates acquired since 1st March 1831.

XXXVI. AND be it enacted, that no person shall be entitled to be registered in any year as a voter in the election of a member or members to serve in any future Parliament for any city or borough who shall within twelve calendar months next previous to the last day of July in such year have received parochial relief or other alms which by the law of Parliament now disqualify from voting in the election of members to serve in Parliament.

Disqualification by receipt of parochial relief.

\* \* \* \* \*

LXI. AND be it enacted, that the sheriffs of Yorkshire and Lincolnshire, and the sheriffs of the counties divided by this Act, shall duly cause proclamation to be made of the several days fixed for the election of a knight or knights of the shire for the several ridings, parts, and divisions of their respective counties, and shall preside at the election by themselves or their lawful deputies.

\* \* \* \* \*

Sheriffs of the divided counties to fix the times for and preside at the elections in the several divisions.

Counties to be divided into districts for polling, with polling places.

LXIII. AND be it enacted, that the respective counties in England and Wales, and the respective ridings, parts, and divisions of counties, shall be divided into convenient districts for polling, and in each district shall be appointed a convenient place for taking the poll at all elections of a knight or knights of the shire to serve in any future Parliament, [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

Erection of booths at the polling places for counties.

LXIV. AND be it enacted, that at every contested election for any county, or riding, parts, or division of a county, the sheriff, under sheriff, or sheriff's deputy shall, if required thereto by or on behalf of any candidate, on the day fixed for the election, and if not so required may, if it shall appear to him expedient, cause to be erected a reasonable number of booths for taking the poll at the principal place of election, and also at each of the polling places so to be appointed as aforesaid, and shall cause to be affixed on the most conspicuous part of each of the said booths the names of the several parishes, townships, and places for which such booth is respectively allotted; and no person shall be admitted to vote at any such election in respect of any property situate in any parish, township, or place, except at the booth so allotted for such parish, township, or place, and if no booth shall be so allotted for the same, then at any of the booths for the same district; and in case any parish, township, or place shall happen not to be included in any of the districts to be appointed, the votes in respect of property situate in any parish, township, or place so omitted shall be taken at the principal place of election for the county, or riding, parts, or division of the county, as the case may be.

Voters to poll at the allotted booths, &c.

\* \* \* \* \*

Sheriff in county elections may act in places of exclusive jurisdiction.

LXVI. AND be it enacted, that in all matters relative to the election of knights or a knight of the shire to serve in any future Parliament for any county, or for any riding, parts, or division of a county, the sheriff of the county, his under sheriff, or any lawful deputy of such sheriff, shall have power to act in all places having any exclusive jurisdiction or privilege whatsoever, in the same manner as such sheriff, under sheriff, or deputy may act within any part of such sheriff's ordinary jurisdiction.

\* \* \* \* \*

Polling booths for different parishes, &c. at borough elections in England.

LXVIII. AND be it enacted, that at every contested election of a member or members to serve in any future Parliament for any city or borough in England, except the borough of Monmouth [\*], the returning officer shall, if required thereto by or on behalf of any candidate, on the day fixed for the election, and if not so required may, if it shall appear to him expedient, cause to be erected for taking the poll at such election different booths for different parishes, districts, or parts of such city or borough . . . . . and [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)] shall cause to be affixed on the most conspicuous part of each of the said booths the names of the several parishes, districts, and parts for which such booth is respectively allotted; and no person shall be admitted to vote at any such election, except at the booth allotted for the parish, district, or part wherein the property may be situate in respect of which he claims to vote, or in case he does not claim to vote in respect of property, then wherein his place of abode as described in the register may be; but in case no booth shall happen to be provided for any particular parish, district, or part as aforesaid, the votes of persons voting in respect of property situate in any parish, district, or part so omitted, or having their place of abode therein, may be taken at any of the said booths, and the votes of freemen residing out of the limits of the city or

Voters to poll at the allotted booths, &c.

[\* Rep., Stat. Law Rev. Act, 1874, so long only as 35 & 36 Vict. c. 33. continues in force.]

borough may be taken at any of the said booths; and public notice of the situation, division, and allotment of the different booths shall be given two days before the commencement of the poll by the returning officer; . . . . .  
 . . . . . Provided also, that no nomination shall be made or election holden of any member for any city or borough in any church, chapel, or other place of public worship.

Nominations and elections not to be held in places of public worship.

\* \* \* \* \*

LXX. AND be it enacted, that nothing in this Act contained shall prevent any sheriff or other returning officer, or the lawful deputy of any returning officer, from closing the poll previous to the expiration of the time fixed by this Act, in any case where the same might have been lawfully closed before the passing of this Act; and that where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, the sheriff or other returning officer, or the lawful deputy of any returning officer, shall not for such cause finally close the poll, but, in case the proceedings shall be so interrupted or obstructed at any particular polling place or places, shall adjourn the poll at such place or places only until the following day, and if necessary shall further adjourn the same until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed to take the poll at such place or places; and any day whereon the poll shall have been so adjourned shall not, as to such place or places, be reckoned one of the two days of polling at such election within the meaning of this Act; and wherever the poll shall have been so adjourned by any deputy of any sheriff or other returning officer, such deputy shall forthwith give notice of such adjournment to the sheriff or returning officer, who shall not finally declare the state of the poll, or make proclamation of the member or members chosen, until the poll so adjourned at such place or places as aforesaid shall have been finally closed, and delivered or transmitted to such sheriff or other returning officer; anything herein-before contained to the contrary notwithstanding.

When returning officers may close the poll before the expiration of the time fixed. Adjournment of poll in case of riot.

LXXI. AND be it enacted, that from and after the end of this present Parliament all booths erected for the convenience of taking polls shall be erected at the joint and equal expense of the several candidates, and the same shall be erected by contract with the candidates, if they shall think fit to make such contract, or if they shall not make such contract, then the same shall be erected by the sheriff or other returning officer at the expense of the several candidates as aforesaid, subject to such limitation as is herein-after next mentioned; (that is to say,) that the expense to be incurred for the booth or booths to be erected at the principal place of election for any county, riding, parts, or division of a county, or at any of the polling places so to be appointed as aforesaid, shall not exceed the sum of forty pounds in respect of any one such principal place of election or any one such polling place; and that the expense to be incurred for any booth or booths to be erected for any parish, district, or part of any city or borough shall not exceed the sum of twenty-five pounds in respect of any one such parish, district, or part; . . . . . Provided always, that if any person shall be proposed without his consent, then the person so proposing him shall be liable to defray his share of the said expenses in like manner as if he had been a candidate; . . . . .

Polling booths to be erected at joint expense of candidates.

Limitation of expense.

Any person proposing a candidate without his consent to pay his share.

All election laws to remain in force, except where superseded by this Act.

LXXV. AND be it enacted, that all laws, statutes, and usages now in force respecting the election of members to serve in Parliament for that part of the United Kingdom called England and Wales shall be and remain, and are hereby declared to be and remain, in full force, and shall apply to the election of members to serve in Parliament for all the counties, ridings, parts, and divisions of counties, cities, and boroughs, hereby empowered to return members, as fully and effectually as if the same respectively had heretofore returned members, except so far as any of the said laws, statutes, or usages are repealed or altered by this Act, or are inconsistent with the provisions thereof.

Penalties on officers for breach of duty.

LXXVI. AND be it enacted, that if any sheriff, returning officer, barrister, overseer, or any person whatsoever shall wilfully contravene or disobey the provisions of this Act or any of them, with respect to any matter or thing which such sheriff, returning officer, barrister, overseer, or other person is hereby required to do, he shall for such his offence be liable to be sued in an action of debt in any of his Majesty's courts of record at Westminster for the penal sum of five hundred pounds; and the jury before whom such action shall be tried may find their verdict for the full sum of five hundred pounds, or for any less sum which the said jury shall think it just that he should pay for such his offence; and the defendant in such action, being convicted, shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same: Provided always, that no such action shall be brought except by a person being an elector or claiming to be an elector, or a candidate, or a member actually returned, or other party aggrieved: Provided also, that the remedy hereby given against the returning officer shall not be construed to supersede any remedy or action against him according to the law now in force.

Writs, &c. to be made conformable to this Act.

LXXVII. AND be it enacted, that all writs to be issued for the election of members to serve in all future Parliaments, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs, shall be and the same are hereby authorized to be framed and expressed in such manner and form as may be necessary for the carrying the provisions of this Act into effect.

This Act not to extend to universities of Oxford and Cambridge.

LXXVIII. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend to or in anywise affect the election of members to serve in Parliament for the universities of Oxford or Cambridge, or shall entitle any person to vote in the election of members to serve in Parliament for the city of Oxford or town of Cambridge in respect of the occupation of any chambers or premises in any of the colleges or halls of the universities of Oxford or Cambridge.

Definitions: "city or borough;"

LXXIX. AND be it enacted, that throughout this Act, wherever the words "city or borough," "cities or boroughs," may occur, those words shall be construed to include, except there be something in the subject or context manifestly repugnant to such construction, all towns corporate, cinque ports, districts, or places within England and Wales, which shall be entitled after this Act shall have passed to return a member or members to serve in Parliament, other than counties at large, and ridings, parts, and divisions of counties at large, and shall also include the town of Berwick-upon-Tweed; and the words "returning officer" shall apply to every person or persons to whom, by virtue of his or their office, either under the present Act or under any former law, custom, or statute, the execution of any writ or precept doth or shall belong for the election of a member or members to serve in Parliament, by whatever name or title such person or persons may be called; and the words "parish

"returning officer;"

"parish or township;"

or township" shall extend to every parish, township, vill, hamlet, district, or place maintaining its own poor; and the words "overseers of the poor" shall extend to all persons who by virtue of any office or appointment shall execute the duties of overseers of the poor, by whatever name or title such persons may be called, and in whatsoever manner they may be appointed; and that all matters by this Act directed to be done by the overseers of a parish or township may be lawfully done by the major part of such overseers; and that whenever any notice is by this Act required to be given to the overseers of any parish or township, it shall be sufficient if such notice shall be delivered to any one of such overseers, or shall be left at his place of abode, or at his office or other place for transacting parochial business, or shall be sent by the post, addressed by a sufficient direction, to the overseers of the particular parish or township, or to any one of them, either by their or his christian name and surname, or by their or his name of office; and that all provisions in this Act relative to any matters to be done by or with regard to justices of the peace for counties, or sessions of the peace for counties, or clerks of the peace for counties, or treasurers of counties, shall extend to the justices, sessions, clerks of the peace, and treasurers of the several ridings of Yorkshire and parts of Lincolnshire; and that the clerk of the peace for the time being for the borough of Newport in the Isle of Wight shall for the purposes of this Act be deemed and taken to be the clerk of the peace for the county of the Isle of Wight; and that all the said respective justices, sessions, and clerks of the peace shall have power to do the several matters required by this Act, as well within places of exclusive jurisdiction as without; and that no misnomer or inaccurate description of any person or place named or described in any schedule to this Act annexed, or in any list or register of voters, or in any notice required by this Act, shall in anywise prevent or abridge the operation of this Act with respect to such person or place, provided that such person or place shall be so designated in such schedule, list, register, or notice as to be commonly understood.

"overseers of the poor;"

Majority of overseers may act.

Notices to overseers.

Powers of justices of the peace, &c. in certain cases.

Misnomer not to interfere with operation of Act.

\* \* \* \* \*

## SCHEDULES to which the foregoing Act refers.

### SCHEDULE (A.)

Boroughs.	County.	Boroughs.	County.
Old Sarum -	Wiltshire.	St. Germain's -	Cornwall.
Newtown -	Isle of Wight.	Newport -	Cornwall.
St. Michael's or Midshall.	Cornwall.	Blechingley -	Surrey.
Gatton -	Surrey.	Aldborough	Yorkshire.
Bramber -	Sussex.	Camelford -	Cornwall.
Bossiney -	Cornwall.	Hindon -	Wiltshire.
Dunwich -	Suffolk.	East Looe -	Cornwall.
Ludgershall -	Wiltshire.	Corfe Castle -	Dorsetshire.
St. Mawe's -	Cornwall.	Bedwin (Great)	Wiltshire.
Beeralston -	Devonshire.	Yarmouth -	Isle of Wight, Hampshire.
West Looe -	Cornwall.	Queenborough -	Kent.



Boroughs.	County.	Boroughs.	County.
Castle Rising -	Norfolk.	Plympton -	Devonshire,
East Grinstead	Sussex.	Seaford -	Sussex.
Higham Ferrers	Northamptonshire.	Heytesbury -	Wiltshire.
Wendover -	Buckinghamshire.	Steyning -	Sussex.
Weobly -	Herefordshire.	Whitchurch -	Hampshire.
Winchelsea -	Sussex.	Wootton Bassett	Wiltshire.
Tregony -	Cornwall.	Downton -	Wiltshire.
Haslemere -	Surrey.	Fowey -	Cornwall.
Saltash -	Cornwall.	Milborne Port -	Somersetshire.
Orford -	Suffolk.	Aldeburgh -	Suffolk.
Callington -	Cornwall.	Minehead -	Somersetshire.
Newton -	Lancashire.	Bishop's Castle -	Shropshire.
Ilchester -	Somersetshire.	Okehampton -	Devonshire.
Boroughbridge	Yorkshire.	Appleby -	Westmoreland.
Stockbridge -	Hampshire.	Lostwithiel -	Cornwall.
Romney (New)	Kent.	Brackley -	Northamptonshire.
Hedon -	Yorkshire.	Amersham -	Buckinghamshire.

## SCHEDULE (B.)

Boroughs.	County.	Boroughs.	County.
Petersfield -	Hampshire.	Shaftesbury -	Dorsetshire.
Ashburton -	Devonshire.	Thirsk -	Yorkshire.
Eye -	Suffolk.	Christchurch -	Hampshire.
Westbury -	Wiltshire.	Horsham -	Sussex.
Wareham -	Dorsetshire.	Great Grimsby -	Lincolnshire.
Midhurst -	Sussex.	Calne -	Wiltshire.
Woodstock -	Oxfordshire.	Arundel -	Sussex.
Wilton -	Wiltshire.	St. Ives -	Cornwall.
Malmesbury -	Wiltshire.	Rye -	Sussex.
Liskeard -	Cornwall.	Clitheroe -	Lancashire.
Reigate -	Surrey.	Morpeth -	Northumberland.
Hythe -	Kent.	Helston -	Cornwall.
Droitwich -	Worcestershire.	North Allerton -	Yorkshire.
Lyme Regis -	Dorsetshire.	Wallingford -	Berkshire.
Launceston -	Cornwall.	Dartmouth -	Devonshire.

## SCHEDULE (C.)

Principal Places to be Boroughs.	Returning Officers.
Manchester (Lancashire) - -	The boroughreeve and constables of Manchester.
Birmingham (Warwickshire) -	The two bailiffs of Birmingham.
Leeds (Yorkshire) - - -	The mayor of Leeds.
Greenwich (Kent).	
Sheffield (Yorkshire) - - -	The master cutler.
Sunderland (Durham).	
Devonport (Devonshire).	
Wolverhampton (Staffordshire) -	Constable of the manor of the deanery of Wolverhampton.
Tower Hamlets (Middlesex).	
Finsbury (Middlesex).	
Mary-le-bone (Middlesex).	
Lambeth (Surrey).	
Bolton (Lancashire) - - -	The boroughreeves of Great and Little Bolton.
Bradford (Yorkshire).	
Blackburn (Lancashire).	
Brighton (Sussex).	
Halifax (Yorkshire).	
Macclesfield (Cheshire) - -	The mayor of Macclesfield.
Oldham (Lancashire).	
Stockport (Cheshire) - - -	The mayor of Stockport.
Stoke-upon-Trent (Staffordshire).	
Stroud (Gloucestershire).	

## SCHEDULE (D.)

Principal Places to be Boroughs.	Returning Officers.
Ashton-under-Lyne (Lancashire) -	The mayor of Ashton-under-Lyne.
Bury (Lancashire).	
Chatham (Kent).	
Cheltenham (Gloucestershire).	
Dudley (Worcestershire).	
Frome (Somersetshire).	
Gateshead (Durham).	
Huddersfield (Yorkshire).	
Kidderminster (Worcestershire) -	The high bailiff of Kidderminster.
Kendal (Westmoreland) - -	The mayor of Kendal.
Rochdale (Lancashire).	
Salford (Lancashire) - -	The boroughreeve of Salford.

Principal Places to be Boroughs.	Returning Officers.
South Shields (Durham). Tynemouth (Northumberland). Wakefield (Yorkshire). Walsall (Staffordshire) - - Warrington (Lancashire). Whitby (Yorkshire). Whitehaven (Cumberland). Merthyr Tydvil, Glamorganshire.	The mayor of Walsall.

## SCHEDULE (E.)

Places sharing in the Election of Members.	Shire Towns or Principal Boroughs.	County in which such Boroughs are situated.
Amlwch - - } Holyhead, and - - } sharing with Llangefni - - } Aberystwith - - } Lampeter, and - - } sharing with Adpar - - - } Llanelly - - - } sharing with Pwllheli - - - } Nevin - - - } Conway - - - } sharing with Bangor - - - } Criccieth - - - } Ruthin - - - } Holt - - - } sharing with Town of Wrexham - - } Rhyddlan - - - } Overton - - - } Caerwis - - - } Caergwrley - - - } sharing with St. Asaph - - - } Holywell - - - } Mold - - - } Cowbridge - - - } Llantrissant - - - } sharing with Llanidloes - - - } Welshpool - - - } Machynlleth - - - } sharing with Llanfyllin - - - } Newtown - - - } Narberth - - - } sharing with Fishguard - - - }	Beaumaris - - Cardigan - - Caermarthen - - Caernarvon - - Denbigh - - Flint - - Cardiff - - Montgomery - - Haverfordwest - -	Anglesey. Cardiganshire. Caermarthenshire. Caernarvonshire. Denbighshire. Flintshire. Glamorganshire. Montgomeryshire. Pembrokeshire.

Places sharing in the Election of Members.	Shire Towns or Principal Boroughs.	County in which such Boroughs are situated.
Tenby - - - } sharing with Wiston - - - } Town of Milford - } Knighton - - - } Rhayder - - - } Kevinleece - - - } sharing with Knucklas - - - } Town of Presteigne - }	Pembroke - -      Radnor - - -	Pembrokeshire.      Radnorshire.

## SCHEDULE (E. 2.)

Places sharing in the Election of Members.	Places therein from which the Seven Miles are to be calculated.
Newport - - -	The market place.
Usk - - -	The town hall.
Aberystwith - - -	The bridge over the Rheidal.
Lampeter - - -	The parish church.
Adpar - - -	The bridge over the Teivi.
Pwllheli - - -	The guildhall.
Nevin - - -	The parish church.
Conway - - -	The parish church.
Criccieth - - -	The castle.
Ruthin - - -	The parish church called St. Peter's
Holt - - -	The parish church.
Rhyddlan - - -	The parish church.
Overton - - -	The parish church.
Caerwis - - -	The parish church.
Caergwrley - - -	The parish church of Hope.
Cowbridge - - -	The town hall.
Llantrissant - - -	The town hall.
Tenby - - -	The parish church.
Wiston - - -	The parish church.
Knighton - - -	The parish church.
Rhayder - - -	The market place.
Kevinleece - - -	The parish church.
Knucklas - - -	The site of the ancient castle of Cnweglas.
Swansea - - -	The town hall.
Loughor - - -	The parish church.
Neath - - -	The town hall.
Aberavon - - -	The bridge over the Avon.
Ken-fig - - -	The parish church of Lower Ken-fig.

## SCHEDULE (F.)

COUNTIES to be divided.

Cheshire,	Northumberland.
Cornwall.	Northamptonshire.
Cumberland.	Nottinghamshire.
Derbyshire.	Shropshire.
Devonshire.	Somersetshire.
Durham.	Staffordshire.
Essex.	Suffolk.
Gloucestershire.	Surrey.
Kent.	Sussex.
Hampshire.	Warwickshire.
Lancashire.	Wiltshire.
Leicestershire.	Worcestershire.
Norfolk.	

## SCHEDULE (F. 2.)

COUNTIES to return Three Members each.

Berkshire.	Herefordshire.
Buckinghamshire.	Hertfordshire.
Cambridgeshire.	Oxfordshire.
Dorsetshire.	

## SCHEDULE (G.)

Cities and Towns and Counties thereof.	Counties at large in which Cities and Towns and Counties thereof are to be included.
Caermarthen - - -	Caermarthenshire.
Canterbury - - -	Kent.
Chester - - -	Cheshire.
Coventry - - -	Warwickshire.
Gloucester - - -	Gloucestershire.
Kingston-upon-Hull - -	East riding of Yorkshire.
Lincoln - - -	The parts of Lindsey, Lincolnshire.
London - - -	Middlesex.
Newcastle-upon-Tyne - -	Northumberland.
Poole - - -	Dorsetshire.
Worcester - - -	Worcestershire.
York and Ainsty - - -	North riding of Yorkshire.
Southampton - - -	Hampshire.

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## CHAPTER XLVII.

AN ACT for holding the Assizes for the County of Norfolk, and for the City of Norwich and County of the same City, Twice in every Year at Norwich.

[23d June 1832.]

**W**HEREAS it is expedient that the assizes for the city of Norwich and county of the same city be held twice in each year in the said city and county of the said city: And whereas the holding the same as aforesaid would be conducive to the more speedy and effective and due administration of justice therein: And whereas it is likewise expedient that the assizes for the county of Norfolk should henceforth be held twice in each year in and at the shire-house at the castle of Norwich: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of January one thousand eight hundred and thirty-three all the commissions of assize and nisi prius, and all general commissions of oyer and terminer, and all commissions of general gaol delivery, which shall be appointed to be held and executed for the said city of Norwich and county of the said city, and for the said county of Norfolk, respectively, shall be held and executed for the said city of Norwich and county of the said city at and in the said city of Norwich and county of the said city, and for the said county of Norfolk, in the shire-house at the castle of Norwich; and that the said commissions for the said city of Norwich and county of the said city, and for the said county of Norfolk, respectively, shall be appointed and executed at and in the said city of Norwich and county of the said city, and at and in the said shire-house at the castle of Norwich, twice in every year, (that is to say,) at or about the usual times for holding the Lent and summer assizes respectively; any law, statute, usage, matter, or thing to the contrary notwithstanding.

All commissions of assize, &c. for Norwich and Norfolk shall be held twice every year at Norwich.

II. PROVIDED always, and it is hereby enacted and declared, that if at any time hereafter the said city of Norwich and county of the said city, or the said shire-house at the castle of Norwich, shall be wholly unfit for holding assizes there, by accident of fire, or by means of any contagious or epidemical distemper, or by reason of any civil tumults or disorder, or the danger or reasonable apprehension thereof, or by reason of any other unforeseen cause or exigency, the same or any of the aforesaid matters to be made to appear before the lord high chancellor, or lord keeper or lords commissioners for keeping the great seal for the time being, that then and in such cases only it shall and may be lawful to and for the said lord high chancellor, or lord keeper or lords commissioners for keeping the great seal for the time being, with the advice of the justices of assize, from time to time in and during the continuance of such respective exigencies only, and for and at no other time or times, to appoint some convenient place within the said county of Norfolk for holding the said assizes, and each or either of them, instead of the said city of Norwich and county of the said city, or the said shire-house at the castle of Norwich, any thing in this present Act contained to the contrary notwithstanding.

Proviso in case of accident, &c. to the city of Norwich, or the shire-house at the castle.

## CHAPTER XLVIII.

AN ACT to regulate the Office of Clerk of the Crown in the Court of King's Bench in Ireland. [23d June 1832.]

**W**HEREAS the commissioners appointed to inquire into the duties, salaries, and emoluments of the officers in the several courts in Ireland have made a report recommending certain alterations in the office of clerk of the crown in the Court of King's Bench in Ireland, and the said office became vacant by the death of the survivor of the two persons in whom the same was lately vested by patent; and it is expedient to regulate the said office, pursuant to the recommendation of the said commissioners, in manner herein-after provided: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act there shall be one clerk of the crown of the Court of King's Bench in Ireland, who shall be appointed by his Majesty, his heirs and successors, by letters patent under the great seal in Ireland, and who shall hold his said office during good behaviour, and who shall be deemed the principal officer employed on the crown side of the said Court of King's Bench, and who shall receive an annual salary of nine hundred pounds, paid and payable in manner herein-after mentioned, in lieu of all other fees and emoluments whatsoever [Rep., Stat. Law Rev. Act, 1874].

One clerk of the crown of the Court of King's Bench in Ireland, to be appointed by letters patent and to hold office during good behaviour.

Fees payable at the crown office to be according to the schedule annexed to this Act.

II. AND be it further enacted, that from and after the commencement of this Act the several fees specified in the schedule to this Act annexed (and which schedule shall be deemed and taken to be part of this Act) shall be paid and payable in lieu of all and every the fees heretofore claimed or payable under or by virtue of any rule or order of court, law, statute, usage, or otherwise howsoever, for or by reason of all and every the duties and services performed by or in anywise appertaining to the office of clerk of the crown of the said Court of King's Bench in Ireland; and that no further nor other fee or emolument whatsoever shall be paid or payable for or by reason of or under pretext of any act, matter, or thing done or to be done by the said clerk of the crown in his said office, or in anywise appertaining to the business thereof.

Fees may be altered, and new fees allowed, by the Court of King's Bench.

III. PROVIDED always, and be it enacted, that it shall and may be lawful for the said Court of King's Bench from time to time to increase or diminish or vary or abolish any of the said fees, and also to authorize and impose the payment of any new or additional fee; and all such fees the amount whereof shall be so varied, and all such new and additional fees which shall be so made payable, and also any order for the abolition of any fee, shall be specified and set forth in a table or tables to be made by order of the said Court of King's Bench, and signed by at least two judges as aforesaid; and such order shall specify the grounds and reasons upon which such fees shall have been altered, abolished, or made payable respectively; and a copy of every such order, signed as aforesaid, shall be transmitted to the lord lieutenant or other chief governor or governors of Ireland, who shall cause copies of the same to be laid before both Houses of Parliament immediately after the commencement of the then next session of Parliament; and thereupon every such fee shall be deemed and taken to be a legal fee, according to the terms of such order, and payable and receivable as such, from and after the last day of such session of Parlia-

ment, as if the same had been included in the table of fees annexed to this Act.

IV. AND be it further enacted, that if any person who shall hold the said office of clerk of the crown shall himself wilfully and knowingly ask or accept, or if any assistant or other person employed by him in said office shall, with his privity and consent, ask or receive, directly or indirectly, for or by reason or under pretext of any service in any way concerning or relating to the business of the said office, any fee or reward other than may from time to time be lawful under the provisions of this Act, every such person holding such office of clerk of the crown shall, for every such offence committed by himself or with his privity or consent as aforesaid, forfeit and lose the sum of one hundred pounds, and shall thereupon also forfeit his said office.

Penalty on clerk of the crown taking any fees contrary to this Act, 100*l.* and forfeiture of office.

V. AND be it further enacted, that if any assistant clerk or other person whatever employed in the said office shall at any time after the commencement of this Act ask or receive, for or by reason or under pretext of any service done by the said clerk of the crown in or in anywise relating to the business of his office, any fee or reward on account of the said clerk of the crown other than may from time to time be lawful under the provisions of this Act, or if any such assistant clerk or other person shall ask or receive, for his own private emolument, from any party, attorney, or other person whomsoever, save and except only from the said clerk of the crown by and under whom any such assistant clerk or other person shall be employed, any fee or reward whatsoever for or by reason or under pretext of any service of his or their own, or if any person or persons employed by or under him or them respectively in the said crown office, every assistant clerk or other person so offending shall for every such offence forfeit and lose the sum of one hundred pounds.

Penalty on any assistant clerk, &c. taking any fees contrary to this Act, 100*l.*

VI. AND be it further enacted, that every person who shall be appointed to the said office of clerk of the crown shall within fourteen days after his appointment affix or cause to be affixed or hung up in his said office, and maintain therein, a table, fairly printed or written, and framed and glazed, setting forth all such fees as it shall then be lawful to receive in respect of the business thereof; and if at any time any such fees shall be altered or abolished, or any new fee or fees authorized and imposed, by virtue of the provision in that behalf herein contained, then and in every such case such officer shall within one week from the time of such change alter and amend such table accordingly; and such clerk of the crown shall for every day on which such table shall not be so kept and maintained as aforesaid in such office forfeit the sum of twenty pounds.

Clerk of crown shall keep a table of fees in his office.

Penalty for neglect, 20*l.* per day.

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XIV. AND be it further enacted, that the said clerk of the crown of the said Court of King's Bench shall employ one chief or assistant clerk, removable at his pleasure, to superintend the preparing of all office copies, and otherwise to aid in the discharge of the duties of the said office; . . . . .

Clerk of the crown to employ an assistant clerk.

XV. AND be it further enacted, that it shall not be lawful for any clerk of the crown in the said Court of King's Bench to accept of any sum of money, or security for money, or to stipulate for or receive any share or proportion of the profits of the said office of assistant clerk, or receive any other valuable consideration whatsoever, as and for a consideration for the appointment of

Clerk of the crown not to accept any consideration for the appointment of assistant clerk.



Penalty, 100*l.*  
and forfeiture  
of office.

any person whatsoever to the said office ; and if any clerk of the crown shall herein offend, contrary to the provisions of this Act, he shall for any such offence forfeit the sum of one hundred pounds, and shall also forfeit his said office.

Neither the  
clerk of the  
crown nor his  
assistant to  
hold any other  
office, nor to  
practise as an  
attorney.

XVI. AND be it further enacted, that it shall not be lawful for the clerk of the crown, nor for his assistant to be appointed under the provisions of this Act, to hold or exercise the duties of any other office or place whatsoever, nor to practise as an attorney or solicitor in any court of law or equity in Ireland, either separately or in partnership with any other person, under pain of forfeiting the said office of clerk of the crown, or the said office of assistant to such clerk, as the case may be.

\* \* \* \* \*

Duties of office  
shall be exe-  
cuted in person  
by clerk of  
crown, or, in  
case of illness,  
&c., by deputy  
appointed with  
consent of  
chief justice.

XVIII. AND be it further enacted, that the clerk of the crown of the said Court of King's Bench shall execute the duty of his said office in person : Provided nevertheless, that in case of sickness or other unavoidable absence it shall and may be lawful to and for such clerk of the crown, by deputation in writing under his hand and seal, subject to and with the consent and approbation of the chief justice of the said court, signified by an indorsement in writing under the hand of such chief justice, to appoint some discreet and proper person, approved of by the said chief justice, to execute the duties of such office during the period of such sickness or unavoidable absence, and no longer.

In case of  
incapacity of  
clerk to ap-  
point, or on  
vacancy of  
office, the chief  
justice may  
appoint a  
person to exe-  
cute office ad  
interim or till  
vacancy is  
supplied.

XIX. AND be it further enacted, that in case the said clerk of the crown shall, by reason of accident or infirmity, be unable to execute such deputation in writing as aforesaid, or whenever the said office of clerk of the crown in the said Court of King's Bench shall become vacant by removal or suspension of such officer or howsoever otherwise, then and in every such case it shall and may be lawful for the chief justice of the said court to appoint some fit and proper person to execute the duty of such office ad interim, or until a new officer shall be appointed under the provisions of this Act ; and every such person so appointed shall be to all intents and purposes a complete officer, according to the terms of such appointment : Provided always, that such appointee shall not be entitled to any greater proportion of the salary or emoluments of such office than shall be specified in the order under which he may be appointed, and which proportion the said chief justice is required to fix and specify therein.

Court may  
remove or fine  
officers of  
crown office  
for misconduct.

XX. AND be it further enacted, that it shall and may be lawful to and for the said Court of King's Bench, upon complaint made by motion, to inquire summarily into the matter of such complaint, either by vivâ voce examination or upon affidavit, or otherwise, as it shall deem fitting, and to suspend or absolutely remove any clerk of the crown, or the assistant of any such clerk, respectively, for any malversation of duty or misconduct in the said office ; and thereupon such officer shall cease to hold or be entitled to such office, as if, in the case of any clerk of the crown so removed, the letters patent appointing such officer had been revoked ; and the said court shall also have power and authority, upon summary complaint and inquiry as aforesaid, without removing such officer, to inflict upon such officer for any minor offence such punishment by way of fine as to the said court shall seem expedient.

XXI. AND be it further enacted, that no suitor in the said court, nor any other person, shall in any case be required to take out any copy of any record, pleading, information, indictment, writ, return, deposition, affidavit, or other document or proceeding whatsoever; and the taking or not taking any copy whatsoever shall be entirely optional.

Suitors, &c. not compelled to take copies of records, &c.

XXII. AND be it further enacted, that the said clerk of the crown shall, as the same shall be necessary, employ in the said crown office of the Court of King's Bench a sufficient number of writing clerks to make copies of informations, indictments, writs, returns, depositions, and other things belonging to the said office, and required by and on behalf of the suitors of the said court, and of all other persons anywise concerned in proceedings before the same, and to do and perform all other business requisite to be done and performed in such office, so that the business of any such suitor or person shall not be unnecessarily delayed therein; and such clerk of the crown shall pay to every such writing clerk after the rate of not less than one penny halfpenny for every office sheet consisting of seventy-two words of every such copy made by such clerk, and for a part or portion of any office sheet; and it shall not be lawful for any such clerk of the crown to cause or direct or knowingly permit any such copy, or any part thereof, to be made in any other place or by any other person than in the proper office of such clerk of the crown in the said Court of King's Bench, save as herein-after excepted, and by a writing clerk employed in such office, and paid exclusively by such clerk of the crown after the rate aforesaid at the least; and every such clerk of the crown shall be responsible for the accuracy of every copy so made in his office, and for the same being duly compared with the original from which it shall be made; and every such clerk of the crown who shall cause or direct or knowingly permit any copy to be made contrary to this Act, or who shall not pay the writing clerk for writing the same according to the rate by this Act directed, at the least, shall for every such offence forfeit the sum of twenty pounds.

Clerk of crown shall keep writing clerks in his office, and pay them not less than 1½d. per office sheet.

Clerk of crown shall not permit copies to be made otherwise than in his office by such copying clerks, &c.

Penalty, 20*l*.

XXIII. PROVIDED always, and be it enacted, that if at any time it shall be ascertained by affidavit or otherwise, to the satisfaction of the Court of King's Bench, that such clerk of the crown hath not in his office sufficient room for the reasonable accommodation of himself and his assistant, and a sufficient number of copying clerks to do and perform the business so required to be done in such office as aforesaid, then in every such case it shall and may be lawful to and for such court to make an order declaring that the same has been so proved, and that it shall be lawful for such officer to cause or direct or permit any such copy, or any part thereof, to be made in any place whatsoever or by any person whomsoever; and every such order shall be good and valid, and shall be a sufficient justification in all respects to any person acting in pursuance thereof for one year from the date thereof, unless sooner rescinded; and such order shall and may be renewed from time to time, until by reason of new buildings or new arrangements, or otherwise, sufficient room shall have been obtained for the purposes in that behalf aforesaid.

In case of want of room, the court may allow copies to be made out of the office.

XXIV. AND be it further enacted, that in every copy or enrolment of any pleading, record, matter, or proceeding which shall issue from the said office, there shall in each office sheet thereof be seventy-two words and no more, save only and except when there shall be but one office sheet in such copy or enrolment, or if there shall be more than one, then save and except in the last

Office sheets shall contain seventy-two words.

sheet thereof; and in any of the said cases such single or last sheet may contain any number of words not exceeding seventy-two words, and shall and may be charged for as an entire sheet.

Rolls shall contain 720 words.

XXV. AND be it further enacted, that every roll within the meaning of this Act shall consist of seven hundred and twenty words; and that there shall not in any enrolment be more than one fractional part of a roll, which fractional part shall be either the conclusion or the entire of such enrolment; and if such fractional part shall contain three hundred and sixty words or more, the same shall be deemed and taken to be a roll and charged for accordingly, and if the same shall not contain three hundred and sixty words, the same shall be deemed and taken to be a half roll, and charged for accordingly.

In all copies, sums, dates, and numbers, shall be expressed in figures, and charged for as herein mentioned.

XXVI. AND be it further enacted, that in every copy whatsoever which shall issue from the said office, the charge or fee whereupon is or are or shall or may be lawfully computed according to the contents, all sums of money, and dates of the year and days of the month, and numbers, shall be expressed in figures, and shall be charged as if the same were expressed in figures and not in words, in manner and according to the directions following; (that is to say,) one pound, or any number of pounds, shall be charged as one word; one shilling, or any number of shillings, shall be charged as one word; one or more penny or pence, whether with or without any fraction of a penny, shall be charged as one word, whether the same shall occur singly or shall be combined in any mode or form whatsoever; and any definite number whatever shall be charged as one word, and no more.

Amount, &c. of fees shall be endorsed on all copies and documents.

XXVII. AND be it further enacted, that upon the back of all copies, ingrossments, exemplifications, and writings which shall be issued from the said office of the said court, there shall be endorsed and written by the said clerk of the crown or his principal assistant clerk the full amount of all office fees charged on such copy, ingrossment, exemplification, or writing respectively, and the rate of such fees, and the mode of charge according to which such fees shall be computed, and the number of sheets or rolls on which such fees shall be charged or calculated; and upon any taxation of costs between party and party, or between attorney and client, such copy, ingrossment, exemplification, or writing, shall be produced before the taxing officer, in all cases where it shall appear to him practicable; and it shall not be lawful for the taxing officer to allow any charge of any solicitor or attorney with respect to any such document so produced upon which the amount and rate of fees shall not be so endorsed, but that all and every such charge shall be struck out of the bills of such solicitor or attorney by such taxing officer.

Charge for documents not so endorsed shall not be allowed on taxation of costs.

Clerk of the crown shall proceed in accounts, inquiries, &c. peremptorily on first summons.

XXVIII. AND be it further enacted, that on any account or inquiry, or other matter whatsoever, which shall be referred to or shall be depending before said clerk of the crown, or which said clerk of the crown shall have authority or power to proceed in or to determine or report upon, and for, upon, or relative to which it shall be necessary or proper to summon any party or parties or person or persons whomsoever, such clerk of the crown shall proceed peremptorily on the first summons which shall appear to him to have been duly served, and shall, at the time and place appointed in such summons, hear the parties if they shall attend; and if only one party shall attend, and the other party shall make default, and no sufficient excuse for such default shall be laid before such clerk of the crown, he shall then proceed ex parte,

in like manner as such clerk of crown would, according to the practice heretofore used, have proceeded upon a third or peremptory summons; and the proceedings, report, or decision of such officer upon such account, inquiry, or other matter whatsoever, shall be subject to the order, direction, and controul of the said Court of King's Bench in all respects as heretofore.

Proceedings of clerk of the crown to be subject to controul of the court.

XXIX. AND be it further enacted, that it shall and may be lawful for the said clerk of the crown, and he is hereby authorized and directed, whenever he shall be thereunto required (except on Sundays, Good Friday, and Christmas Day), to take recognizances to prosecute, or on certiorari, or on articles of the peace, or on attachments for contempts, and also to take and administer affidavits or affirmations in all matters relating to the business of the crown side of the said Court of King's Bench, and to administer the necessary oaths or affirmations for that purpose; and all such recognizances, oaths, affidavits, and affirmations shall be of the same force, validity, and effect, and shall and may be estreated, proceeded upon, and dealt with, in all respects, and to all intents and purposes, as if the same had been taken, made, or administered by or before the said court or any of the justices thereof; and any person who shall wilfully or corruptly swear or affirm any thing false in any such affidavits or affirmations so taken or administered by the said clerk of the crown shall be subject to all pains, penalties, punishments, and disabilities for wilful and corrupt perjury, in like manner in all respects as if such affidavits or affirmations had been made or taken by or in the said Court of King's Bench, or by or before any of the judges thereof; and that it shall not be considered a part of the duty of the judges of the said court to take such recognizances, or any affidavit or affirmation, touching or concerning the business of the crown side of such court, except on their circuits, or in cases where they or any of them shall think fit and proper so to do.

Clerk of the crown to take recognizances and affidavits and administer oaths.

False swearing punishable as perjury.

XXX. AND be it further enacted, that in taxing all such bills of costs as the said clerk of the crown to be appointed under this Act may, by virtue of any order of reference of the said Court of King's Bench, or any other court, or otherwise howsoever, in the discharge of the duties of such office, have power and authority to be lawfully required to tax, he shall, before allowing any such bill of costs any fee or payment to any counsel or officer of the court, require to see the documents necessary to ascertain (when the same can be conveniently produced) that such counsel has been actually employed, received such fee, and that the fee or payment to any such officer has been the right and proper fee, and has been actually paid; and if it shall appear that any one charge either for counsel, attorney, officer, or other disbursement hath been united with any other charge in one sum, then such united charges shall be altogether disallowed; and it shall be the bounden duty of such clerk of the crown, in all such taxations of bills of costs, to examine and ascertain, by all reasonable methods, and, if necessary, by examination on oath (which he is for that purpose authorized to administer), the correctness and reasonableness of each and every charge, whether objected to or not, and to determine upon all charges made by any officer of the court, and to allow only such as may to such clerk of the crown appear to be the right of every such officer, and also to determine whether any attendance, or other business, matter, or thing for which any charge shall be made, actually took place or was actually performed, and whether the same was, under the circumstances, proper and necessary; and no item or sum shall

Clerk of the crown to observe certain regulations in taxing bills of costs.

be allowed for agency ; and before proceeding upon any taxation of costs the said clerk of the crown shall, save where such costs are payable by the crown, issue summonses to all parties concerned therein, and shall, in default of attendance of the party or parties summoned, proceed *ex parte* on the first summons, the service thereof being duly proved, and no sufficient grounds being shown for postponing such proceeding ; and a copy of every bill of costs intended to be taxed shall be delivered to the adverse party three days at the least (Sundays excepted) before the issuing of any summons for taxing the same ; and every summons to attend the taxation of such bill shall be served on the party required to attend at least twenty-four hours before the time fixed for attending ; and the said clerk of the crown shall keep a book, in which he shall enter an account of all bills of costs taxed by him, specifying therein the parties names, the date of taxation, the charge for taxation, the amount of the bill delivered, and the amount of costs allowed and certified on the taxation ; and he shall endorse on each bill of costs so taxed the charge or fee by him made for such taxation.

Penalties shall be recovered by action in the superior courts at Dublin.

Application of penalties.

Penalty for false swearing, &c.

This Act not to bar other remedies for misconduct in officers.

Clerk of the crown to tax costs on order of court, &c.

XXXI. AND be it further enacted, that all and every penalties and penalty to be incurred and forfeited in pursuance or by virtue of this Act, or any of the matters herein contained, shall and may be sued for and recovered, by any person who will sue for the same, by action of debt, bill, plaint, or information in any of his Majesty's courts of record at the four courts, Dublin, and not elsewhere, in which no *essoign*, protection, or *wager of law*, nor more than one *imparlance*, shall be allowed ; and that one moiety of every such penalty shall be for the use of his Majesty, his heirs and successors, and the other moiety thereof to the use of the person or persons who shall sue for the same.

XXXII. AND be it further enacted, that if in any oath or affirmation taken in any proceeding under authority of this Act, or required thereby, or by virtue of any authority derived therefrom, any person shall swear or affirm falsely, such person shall, on conviction thereof, be adjudged guilty of wilful and corrupt perjury, and shall be punished accordingly.

XXXIII. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to limit, abridge, bar, prejudice, or defeat any action or indictment, or any remedy or proceeding whatsoever, which heretofore might have been brought, found, had, or taken against any officer, deputy, or clerk in the said office of clerk of the crown of the Court of King's Bench in Ireland, for or in respect of any misconduct in office which may have occurred or taken place, or which may hereafter take place at any time ; but that all such actions, indictments, remedies, and proceedings for any such misconduct may be brought, found, had, or taken, as if this Act had never been made.

\* \* \* \* \*

XXXV. AND be it further enacted, that the said clerk of the crown shall tax all such costs as he shall by any order of the said Court of King's Bench be directed to tax, and all such other costs as have been heretofore usually taxed by the clerk of the crown of the said Court of King's Bench (or his deputy) ; and the said salary so provided as aforesaid for the said clerk of the crown shall be in lieu of all fees for taxation of costs as well as in lieu of all other fees and emoluments whatsoever.

\* \* \* \* \*

SCHEDULE referred to by and made Part of the foregoing Act ; showing the Fees to be taken for the Performance of all Duties to be discharged in the Crown Office of the Court of King's Bench in Ireland.

	£	s.	d.
For receiving, entering, and filing every information, indictment, affidavit, articles of the peace, writ, with return, or any other document - - - - -	0	3	0
For copy thereof, if not more than three sheets - - - - -	0	2	0
If more, then for each sheet of seventy-two words - - - - -	0	0	8
For entering every rule of the court - - - - -	0	2	2
For copy thereof, and attesting the same when required by the party - - - - -	0	4	0
For entering the appearance of every defendant to any information - - - - -	0	2	0
For copy thereof - - - - -	0	2	0
For enrolments of all pleadings and proceedings upon indictments, informations, mandamus, &c. for every roll containing 720 words, if required to be made up - - - - -	0	10	0
For every transcript of a record for trial by nisi prius, for each roll containing 720 words - - - - -	0	10	0
For exemplification of an enrolment upon quo warranto, or other pleading or proceeding, per roll of 720 words - - - - -	0	12	6
For a search for any indictment, information, or other matter, if above three years, for every term, where no copy is required or taken - - - - -	0	3	0
If within that time, for every term (if copy taken search fee not to be charged) - - - - -	0	0	6
For a search and certificate of no cause having been shown pursuant to any order or rule of the court, or for any other certificate - - - - -	0	3	0
For every summons to proceed upon a reference - - - - -	0	2	0
For every writ of mandamus or exigent - - - - -	0	12	6
For every writ of certiorari, attachment, assistance, to abate nuisance, procedendo, or writ of execution - - - - -	0	5	0
For every writ of habeas corpus, venire, or capias, subpœna, duces tecum, or distringas ad respondendum, venire facias, or distringas juratores, or other writ - - - - -	0	4	0
For the examination of every person on interrogatories exhibited for contempt - - - - -	0	3	3
For copies of the depositions taken thereon, for every sheet of seventy-two words - - - - -	0	0	8
For every recognizance taken in court or by the clerk of the crown - - - - -	0	6	8
For entering any charter, when required to be produced or read - - - - -	0	6	8
For entering every cause returned on habeas corpus in the King's case - - - - -	0	3	0
For entering the discharge of any one committed for contempt or other matter - - - - -	0	3	6
Poundage on money lodged in the officer's hands, for each pound	0	0	6

	£	s.	d.
For entering a traverse to any presentment of any grand jury, or to any information - - - - -	1	1	0
For striking a special jury, and furnishing each party with a copy of the panel of forty-eight names as struck, and a copy of the panel of twenty-four special jurors as struck - - -	2	2	0
For attending trials at bar, and performing all the services relating thereto, including bringing down and entering the record, all readings or exhibits, and entering the verdict, in lieu of all fees heretofore taken from the plaintiff, per day -	3	12	6
For attendances before any of the judges in chamber on any business relating to the office - - - - -	0	6	8
For attending on references from the court - - - - -	0	6	8
For drawing a report - - - - -	0	5	0
For signing same - - - - -	0	2	8
Bill of costs : On each and every bill of costs taxed by the clerk of the crown, not being costs payable by the crown, where the sum allowed shall exceed £5 and shall not exceed £20 -	0	5	0
Where the sum allowed shall exceed £20 and shall not exceed £50 - - - - -	0	10	0
Where the sum allowed shall exceed £50 and not exceeding £100 - - - - -	1	0	0
Where the sum allowed shall exceed £100 - - - - -	1	10	0

N.B.—No fee for taxation of costs payable by the crown.

## CHAPTER LI.

AN ACT to regulate the Practice and the Fees in the Vice Admiralty Courts Abroad, and to obviate Doubts as to their Jurisdiction. [Y]

[23d June 1832.]

**W**HEREAS it is expedient that provision should be made for the regulation of the practice to be observed in the suits and proceedings in the courts of vice admiralty in his Majesty's possessions abroad, and for the establishment of fees to be allowed and taken in the said courts by the respective judges, officers, and practitioners therein: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, with the advice of his privy council, from time to time to make and ordain such rules and regulations as shall be deemed expedient touching the practice to be observed in suits and proceedings in the several courts of vice admiralty at present or hereafter to be established in any of his Majesty's possessions abroad, and likewise from time to time to make, ordain, and establish tables of fees to be taken or received by the judges, officers, and practitioners in the said courts, for all acts to be done therein, and also from time to time, as shall be found expedient, to alter any such rules, regulations, and fees, and to make

His Majesty may make regulations and establish fees in the vice admiralty courts abroad, and alter the same.

[\* Rep., save as regards her Majesty's possessions in India, 26 & 27 Vict. c. 24. s. 24.]

any new regulations and table or tables of fees; and that all such rules, regulations, and fees, after the same shall have been so made and established or altered, from time to time be entered or inrolled in the public books or records of the said courts, so far as such practice and fees shall relate or apply to each of such courts respectively.

Regulations and fees to be inrolled in the respective courts.

II. AND be it further enacted, that a copy of every table of fees so to be from time to time made and established or altered shall be laid before the House of Commons within three calendar months next after the making and establishment or alteration thereof respectively, if Parliament shall be then sitting, and if not, then within one calendar month next after the subsequent meeting of Parliament.

The tables of fees to be laid before the House of Commons.

III. AND be it further enacted, that the several fees so to be established, and no other, shall, from and after the making and establishment thereof and the entry and inrolment thereof as aforesaid, be deemed and taken to be the lawful fees of the several judges, officers, ministers, and practitioners of the said respective courts; and such fees only shall and may be demanded, received, and taken accordingly.

Fees so established to be the only lawful fees.

IV. AND to the intent that all such regulations and fees may be promulgated and publicly made known, be it further enacted, that the judge and registrar of every such court shall cause to be kept constantly hung up and preserved in some conspicuous part of every such court, and in the office of the registrar, a copy of the table of fees so to be from time to time ordained and established in such courts respectively, so that the said table may be seen and read by all persons having any business in any such court and office respectively; and that the books or records containing the entries of the said regulations and tables of fees, as the same shall be in force, shall be at all seasonable times open to the inspection of the practitioners and suitors in every such court.

Copies of the regulations and tables of fees to be hung up in each court, &c.

V. AND be it further enacted, that in all cases in which proceedings may be had in any of the said vice admiralty courts, if any person shall feel himself aggrieved by the charges made by any of the officers or practitioners therein, and the allowance thereof by such vice admiralty court, by reason that such charges are not warranted by the tables herein-before mentioned, it shall be lawful for such person or his agent, under the regulations to be established in pursuance of the powers given by this Act, by summary application to the High Court of Admiralty to have the said charges taxed by the authority thereof.

Persons aggrieved may apply to the High Court of Admiralty for taxation of costs.

VI. AND whereas in certain cases doubts may arise as to the jurisdiction of vice admiralty courts in his Majesty's possessions abroad, with respect to suits for seamen's wages, pilotage, bottomry, damage to a ship by collision, contempt in breach of the regulations and instructions relating to his Majesty's service at sea, salvage, and droits of Admiralty: Be it therefore enacted, that in all cases where a ship or vessel, or the master thereof, shall come within the local limits of any vice admiralty court, it shall be lawful for any person to commence proceedings in any of the suits herein-before mentioned in such vice admiralty court, notwithstanding the cause of action may have arisen out of the local limits of such court, and to carry on the same in the same manner as if the cause of action had arisen within the said limits.

Vice admiralty courts to have jurisdiction in certain maritime causes, though the cause of action did not arise within the local limits of the court.



## CHAPTER LIII.

AN ACT for consolidating and amending the Laws relating to the Payment of Army Prize Money. [23d June 1832.]

**W**HEREAS it is expedient to consolidate and bring into one Act all the provisions of the several Acts now in force relating to army prize money, and to alter and amend several of the provisions thereof; . . . . .

All captures hereafter made by the army, &c. shall be disposed of as his Majesty shall direct.

II. AND be it further enacted, that from and after the passing of this Act, in all captures which shall be made by his Majesty's army, royal artillery, provincial, black, and all other troops in the pay or service of his Majesty, or belonging to his Majesty but in the pay of the United Company of Merchants trading to the East Indies, or howsoever otherwise paid, of any fortress or possession of his Majesty's enemies, or of any ship or vessel in any road, river, haven, or creek, belonging to such fortress or possession, and in all captures, expeditions, or actions from which prize money, bounty money, or grant shall arise, the commanders and other officers and soldiers engaged therein shall have such right and interest as his Majesty shall think fit to order in all the arms, ammunition, stores of war, goods, merchandize, booty, prize, and treasure belonging to the state, or to any public trading company of such enemies, which shall be found in such fortress or possession, or captured in or granted for any such expedition or action, to be divided in such proportions, and according to such general rule of distribution for the army, as shall be established by his Majesty, or in default thereof in such manner as his Majesty shall under his sign manual be pleased to direct.

Deserters shall not be entitled to prize money.

III. PROVIDED always, and be it further enacted, that no officer, non-commissioned officer, or soldier, or other person, who shall be entitled to share in any prize or capture taken from any of his Majesty's enemies, or in any grant on account of services, and who shall desert or unlawfully withdraw from his Majesty's service, shall have any title to or benefit from any part of such prize, capture, or grant which at the time of such desertion shall remain unpaid; but the share or shares of every such officer, non-commissioned officer, or soldier, or other person, so deserting, or such part thereof as at the time of his or their desertion shall remain unpaid, and also the shares of all officers, non-commissioned officers, and soldiers which shall not be legally demanded within six years after the same shall have been paid to the treasurer of Chelsea Hospital as herein-after mentioned, shall be forfeited to the treasurer of Chelsea Hospital and applied in manner herein-after mentioned; unless such officers, non-commissioned officers, or soldiers as shall have deserted shall be restored by his Majesty's proclamation, or otherwise pardoned; and unless, with respect to such shares of officers, non-commissioned officers, and soldiers as shall not be claimed within the time above limited in that behalf, reasonable cause shall be shown to and allowed by the commissioners of the said royal hospital at Chelsea for the time being, or any three or more of them, why such last-mentioned shares were not claimed in due time.

Their shares and all shares not claimed within six years after being paid to the treasurer of Chelsea Hospital shall be forfeited, unless deserters be restored or pardoned, or unless good cause be shown for shares not being claimed.

Booty shall be collected and appraisements and sales made by agents appointed by the command-

IV. AND be it further enacted, that in all such captures, expeditions, or actions as aforesaid, the receiving and collecting of booty, and all appraisements and sales of any arms, ammunition, stores of war, goods, merchandize, and treasure which shall be found in any such fortress or possession as aforesaid, and to which the commanders and other officers and soldiers shall be

entitled, shall be made by agents appointed by the commanders and other officers entitled thereto; (that is to say,) the commanders-in-chief and field officers acting on the expedition in which such fortress or possession was captured shall appoint an agent; and the other commissioned officers entitled thereto, or the majority of them if more than one, may appoint another agent to act for them; such appointment being made by letter or letters of attorney duly executed for that purpose, copies of which shall be transmitted as herein-after mentioned; and no person or persons, except the person or persons so to be nominated and appointed agent or agents, and who shall have given security as required by this Act, and who shall actually discharge the duties of agent, shall under any pretence receive any part or share of any commission or percentage in respect of such agency, or any benefit out of any such commission or per-centage; and every person so nominated and appointed agent, who shall give to or allow to be taken by any other person, and every person who shall take, accept, or receive, either himself or by any other person on his behalf or for his use or advantage, or for the use or advantage of any part of his family, any part or share of any such commission, or any emolument or benefit there-out, shall for every such offence forfeit and pay the sum of one hundred pounds, and also double the amount or value of what shall have been so given or allowed to be taken, or shall have been so taken and received as aforesaid; such penalty and amount to be recovered as herein-after mentioned.

ers, &c., by  
letters of  
attorney.

Penalty on  
agents per-  
mitting others  
to share, or on  
others sharing  
in the com-  
mission or  
emolument in  
respect of  
agency.

V. AND be it further enacted, that before any person so appointed shall act as agent for army prize or capture, he shall give security, with two sufficient sureties, by a joint and several bond, in the sum of two thousand pounds, to the treasurer and deputy treasurer of Chelsea Hospital for the time being, for duly and faithfully executing his said trust, and accounting for and paying over all sums of money which shall come to his hands by reason of his said agency; which said bond, together with three attested copies thereof, and also three copies of the letter or letters of attorney appointing such person agent, shall be delivered by such agent to the commander-in-chief acting on that expedition, and shall be in the form or to the effect set forth in the schedule marked (A.) hereunto annexed.

Agents shall  
give security  
by bond.

VI. AND be it further enacted, that the commander-in-chief to whom such bond and attested copies shall be so delivered shall by the first conveyance transmit the said bond, and one attested copy of the said letter of attorney, to the treasurer of Chelsea Hospital, and one of the copies of the said bond to the commander-in-chief at the Horse Guards, and by the next conveyance shall transmit one other such copy of the bond and letter of attorney to the said treasurer of Chelsea Hospital and commander-in-chief's office respectively; and the letters of attorney (or the copies thereof in case the original is lost) transmitted by the said commander-in-chief shall be good and sufficient evidence of the agency of the person or persons to whom such letter of attorney shall have been made, and shall be received and admitted, without further or other proof thereof, to be legal evidence in all his Majesty's courts of record of law or equity, any law, custom, or usage to the contrary thereof notwithstanding; and if the original bond given by any agent shall be lost, or shall not have been received by the treasurer of Chelsea Hospital, in pursuance of the provisions of this Act, then a copy of the said bond, transmitted by the commanding officer, shall be admitted as evidence of such a bond having been given and entered

Bond and  
copies thereof  
and copies of  
letter of attor-  
ney shall be  
transmitted  
to treasurer of  
Chelsea Hospi-  
tal, and to  
commander-in-  
chief at the  
Horse Guards.  
Letters of  
attorney or  
copies thereof  
shall be  
evidence of  
agency;  
and copies of  
bonds may be  
admitted as  
evidence.

into ; and the plaintiff in any action to recover the penalty of the same shall not be nonsuited, or have a verdict against him, for want of or failure in producing the original bond.

Bond to be put in suit on nonperformance of the conditions.

VII. AND be it further enacted, that upon the nonperformance of any condition of the said bond the treasurer or deputy treasurer of Chelsea Hospital shall institute such action and actions, suit and suits, as may be expedient, for the recovery of the penalty thereof ; and the same, when recovered, shall be paid to the said treasurer or deputy treasurer of Chelsea Hospital, to and for the use of the said royal hospital, or of the captors who shall have suffered loss by the nonperformance of the conditions thereof.

A certified list of the persons entitled to share in the capture shall be transmitted by commanding officer to Chelsea Hospital.

VIII. AND be it further enacted, that as soon as shall be practicable after any prize or capture shall be made, or engagement shall have taken place, the commanding officer of every regiment or corps entitled to share in the proceeds of the said capture, or from any grant in consequence of such engagement, shall transmit to the treasurer of the royal hospital at Chelsea a list, according to the form and containing the particulars set forth in Schedule (B.) to this Act annexed, of the persons in the regiment or corps under his command entitled to share therein, which list shall be signed by the said commanding officer, the names being arranged in the same order in which they stand in the muster rolls of such regiments or corps, and the same shall be examined with and corrected by the muster rolls ; and in case, from any urgent cause, no such prize list as aforesaid shall be sent to the treasurer of the said royal hospital, the said treasurer or his deputy shall apply to the commanding officer, or proper officer or office, for lists of the persons entitled to share in such capture, and such lists shall thereupon be made out from the official returns, and the proper officer to whom such application shall be made shall cause the same to be made out, and certify the truth thereof under his hand ; and any person or persons who shall alter the name or rank of any person or persons in any list which shall have been so certified as aforesaid, or erase or take away any name therefrom or add any name thereto, after the same shall have been so certified as aforesaid, with intent to defraud any person or persons or corporation whatsoever, shall forfeit the sum of five hundred pounds, to be recovered in manner herein-after mentioned.

Penalty for altering list, 500*l*.

Agents shall collect and convert into money the proceeds of prize and capture, and within one month remit the same to treasurer of Chelsea Hospital.

IX. AND be it further enacted, that immediately after the appointment of any person or persons to be the agent or agents for any such prize or capture, such agent or agents shall proceed to collect and convert into money the whole proceeds of such prize or capture, so far as the same relates to the army, and shall, within one month after receiving the money arising therefrom, or any part thereof, into his or their hands, or becoming entitled to receive and capable of receiving the same, pay or by safe conveyance remit unto the treasurer or deputy treasurer of Chelsea Hospital the money arising from such prize or capture or from the proceeds thereof.

Accounts of sales of prizes to be sent by agent, attested upon oath.

X. AND be it further enacted, that every prize agent shall, immediately after the sale of the proceeds of any capture made by the army is completed, transmit to the treasurer of the said royal hospital at Chelsea an attested copy of the detailed accounts of the sales of such prize, duly verified upon oath, together with attested copies of all vouchers relating thereto ; and every such agent who shall neglect or refuse to transmit to the said treasurer such

Penalty for neglect, 100*l*.

attested copies of accounts and vouchers shall forfeit and pay the sum of one hundred pounds.

XI. AND be it further enacted, that any agent appointed as aforesaid, or any person employed by him to sell the arms, ammunition, stores of war, goods, merchandize, or other things taken as prize, who shall retain in his hands the money arising from such sale for more than one month after the same shall have come into his hands, so that any wilful or unnecessary delay shall happen in the said money being paid over to Chelsea Hospital, shall pay interest thereon after the rate of one pound per centum per month for such time as the same shall remain in his hands or custody, such interest to be shared amongst the captors entitled to such prize, and shall forfeit to Chelsea Hospital the sum of five hundred pounds for the undue withholding of prize money.

Agents or other persons wilfully delaying the payment to Chelsea Hospital shall pay interest after the rate of 1*l*. per centum per month, and forfeit 100*l*.

XII. AND be it further enacted, that the per-centage for agency (exclusive of brokerage and actual necessary payments, for which vouchers shall be produced,) for any prize, grant, or capture, shall in no case exceed in the whole the sum of one and a half per cent., to be charged upon the net money paid to the treasurer of Chelsea Hospital for distribution; and such per-centage shall not be deducted from the sum to be paid by the said agent to the treasurer of Chelsea Hospital, but shall be repaid by the said treasurer at the time mentioned in this Act; and no agent or agents shall be entitled to receive any part of the per-centage out of any grant or capture by this Act directed to be allowed to him or them until two months after distribution shall have been commenced by the treasurer of Chelsea Hospital, unless the commissioners of Chelsea Hospital shall direct such per-centage, or any part thereof, to be earlier paid to the agent entitled thereto.

Agency per-centage not to exceed 1½ per cent. exclusive of brokerage and all other charges.

Agents shall not receive any part of the per-centage until two months after distribution.

XIII. AND be it further enacted, that from and after the passing of this Act the sum of five pounds per centum shall be deducted and retained by the treasurer or deputy treasurer of Chelsea Hospital from and out of the net proceeds of all prize money, bounty money, grant, or other allowance of money in the nature of prize or grant, which shall come into or be in the hands of such treasurer or deputy treasurer for distribution; and the said treasurer or deputy treasurer shall from time to time pay over or invest the sums so retained and deducted in the three per centum consolidated bank annuities, in like manner as the balance of forfeited and unclaimed shares of prize money are now invested, and for the purposes herein-after mentioned.

5*l*. per cent. to be deducted from prize money, &c. for the purposes herein-after mentioned.

XIV. AND be it further enacted, that all grants hereafter to be made by his Majesty or by Parliament, or otherwise, to the officers and troops of any division of the army employed upon or engaged in any capture or expedition, shall, unless by the grant otherwise expressly directed, be received on behalf of the army by the treasurer of Chelsea Hospital or his deputy, to be distributed to the persons entitled thereto, according to their respective proportions, under the provisions of this Act.

Future grants for services to be received and distributed by treasurer of Chelsea Hospital.

XV. AND be it further enacted, that so soon as any money arising from capture or grant shall have been paid to the treasurer of Chelsea Hospital or his deputy for distribution, the agent or agents appointed as herein-before mentioned, and any person or persons acting or employed as such, shall, when called upon by notice in writing signed by the said treasurer or deputy treasurer for that purpose, aid and assist the said treasurer or deputy treasurer

Agents, when called upon, shall assist the treasurer in making out the scale of distribution.

in making out the scale and lists of distribution, and in completing all matters relating to such distribution.

If agents refuse or neglect to comply with the provisions of this Act, the treasurer may withhold their per-centage.

XVI. AND be it further enacted, that if any agent shall refuse or neglect to deliver the lists required to be delivered to the treasurer of Chelsea Hospital, or to comply with any of the provisions of this Act, so far as the same relate to such agent or agents, it shall be lawful for the said treasurer to withhold the payment of the whole or any part of the per-centage otherwise payable to the said agent or agents, until such time as he or they shall have performed the duties and complied with all the provisions in the said Act contained.

The treasurer, at the end of three months from receipt of prize money, &c., shall give notification of distribution for one month;

XVII. AND be it further enacted, that the treasurer of Chelsea Hospital shall, at the end of three months from the time when the proceeds of any prize money, or money arising from any grant, were paid over to him as aforesaid, or as soon after as shall be practicable, give public notification in the London Gazette and in two London morning newspapers that the payment of the shares to the captors will take place at the end of one month from the insertion of the said notification, and at the same time shall notify the amount of the share of an individual in each class, and shall continue to publish such notifications in every succeeding gazette, and twice a week in the said two London morning newspapers, until the end of the said month, when distribution thereof shall be made to the captors, in like manner as distribution is now made by the said treasurer of Chelsea Hospital of unclaimed shares and balances by virtue of any Act now in force, or in such other manner as the commissioners of the said hospital, or any three or more of them, shall direct.

after which distribution shall be made;

and shall keep open an office for receiving claims and paying shares.

XVIII. AND be it further enacted, that the treasurer of Chelsea Hospital, or his deputy, shall keep an office open from ten of the clock in the morning to four of the clock in the afternoon of every day in the week (Sundays excepted) for the purpose of receiving claims for shares, and shall pay such shares, when demanded, according to the regulations in this Act contained.

How prize money, &c. is to be paid to non-commissioned officers and soldiers.

XIX. AND be it enacted, that all shares of prize money due or to become due to non-commissioned officers or soldiers, whether in his Majesty's service at the time of making application, or previously discharged therefrom, and of all grants already made or hereafter to be made by his Majesty, or Parliament, or otherwise, which by virtue of this Act shall be or become payable by the treasurer or deputy treasurer of Chelsea Hospital, shall be paid by the said treasurer or deputy treasurer in manner herein-after mentioned, and in no other manner; (that is to say,) to such non-commissioned officers and soldiers upon their personal application, and in default of personal application then the share of any non-commissioned officer or soldier may be paid to any person standing in the relationship of wife or child, father or mother, or brother or sister, or to the regimental agent of the regiment to which such non-commissioned officer or soldier entitled thereto belongs, or did belong at the time of such prize money becoming due, or to any other regimental agent, in case there shall be no regimental agent of the corps to which such non-commissioned officer or soldier belongs or did belong, to whom the same can be paid on his behalf, by an order in the form set forth in the schedule to this Act annexed marked (C.); and the person making such order shall also procure and transmit a certificate in the form or to the effect set forth in the schedule annexed

marked (D.), which certificate shall be signed by the commanding officer, adjutant, and paymaster of the regiment in which such person shall be serving, provided the signatures of such officers can be obtained, and in case the signatures of all or any of such respective officers cannot be obtained, by reason of the regiment being on detachment, or other unavoidable cause, then such certificate shall be signed by such of the said officers as may be present where the non-commissioned officer or soldier is serving, and by any other commissioned officer of the regiment or corps then present, so that there shall not be less than the signatures of three commissioned officers to such certificate; or in case such non-commissioned officer or soldier shall be detached from his regiment, or be in any hospital or sick quarters, so that he cannot procure such certificate of his officers as above mentioned, the same shall be stated particularly on the order, and the certificate shall be signed by the three senior officers belonging to such detachment, or by the surgeon or principal medical officer belonging to such hospital or sick quarters (as the case may require), and by two other principal military or civil officers belonging to such hospital or residing at sick quarters; or in case such non-commissioned officer or soldier shall have been discharged from the service, then he shall make his order in the form aforesaid, and shall procure and transmit a certificate in the form or to the effect set forth in the schedule hereunto annexed marked (E.), and which shall be signed by the minister and one of the churchwardens or overseers, or (if in Scotland) by the minister and one of the elders, in the parish or place in which such discharged non-commissioned officer or soldier may then reside; or if such non-commissioned officer or soldier shall be dead, then the person entitled to receive his share of such prize or bounty money shall make an order in the form set forth in the schedule to this Act marked (F.), and shall procure and transmit a certificate in the form or to the effect set forth in the schedule hereunto annexed marked (FF.), which certificate shall be signed by the minister and one of the churchwardens or overseers, or (if in Scotland) by the minister and one of the elders, of the parish or place in which such person shall then reside; which said several certificates shall be printed under the orders to which they respectively belong.

XX. AND be it enacted, that in all cases in which non-commissioned officers or soldiers shall, previously to the passing of this Act, have made their prize orders in favour of other persons than regimental agents, either from the circumstance of there having been no agent for the regiment, battalion, or corps to which such non-commissioned officers or soldiers belonged or were attached at the date or making of such prize orders respectively, or from any other cause which shall seem reasonable and sufficient to the commissioners of Chelsea Hospital, and in all cases in which non-commissioned officers or soldiers shall hereafter make their prize orders in favour of other persons than regimental agents, from the circumstance of there being no agent appointed for the regiment, battalion, or corps to which such non-commissioned officers and soldiers respectively belong or are attached at the time of making their prize orders, it shall be lawful for the commissioners of the royal hospital at Chelsea, and they are hereby authorized and empowered, to direct payment to be made upon such orders, by the treasurer or deputy treasurer of the said royal hospital, to the persons named as the payee therein, or to the legal representative of such payee.

In certain cases commissioners of Chelsea Hospital may direct payment of prize orders made in favour of persons other than regimental agents.

Stamp duty,  
upon orders.  
Orders for each  
person's share to  
be separate.  
No order valid  
if made within  
five miles of  
Chelsea Hospital.

XXI. AND be it further enacted, that upon every order made in England for the payment of prize or bounty money, or money upon grants, (except where the sum to be paid shall not amount to forty shillings, which is hereby exempted from duty,) a stamp duty of one shilling, and no more, shall be payable to his Majesty; and that [Rep., Stat. Law Rev. Act, 1874.] no order purporting to authorize the receipt of shares due to more than one person shall be deemed valid, but that the same shall be void and of no effect, nor shall any order be valid if made or certified within five miles of Chelsea Hospital.

No fee to be  
taken on pay-  
ing any share.  
Penalty, 100*l*.

XXII. AND be it further enacted, that no person paying any share or balance of army prize money shall receive or retain any fee, gratuity, or reward on account of any act or thing done relating to the procuring or paying the same, under any pretence whatsoever, on pain of forfeiting for every such offence one hundred pounds.

Persons em-  
ployed by the  
hospital not to  
act as prize  
agents.  
Penalty, 500*l*.

XXIII. AND be it further enacted, that no person employed by the commissioners or any officer of Chelsea Hospital in executing the regulations of this Act shall act as an agent for prizes, or be concerned, directly or indirectly, in the business thereof, under the penalty of five hundred pounds, to be recovered as herein-after mentioned.

All assignments  
by commis-  
sioned officers  
shall express  
the true con-  
sideration  
money paid  
for the same,  
and the as-  
signee shall  
only be enti-  
tled to that  
sum, with  
interest.

XXIV. AND be it further enacted, that no assignment, bargain, sale, or contract, made or given by any commissioned officer for or in respect of any prize or other money paid into Chelsea Hospital, shall be valid, unless it be therein expressed what was the consideration money actually paid by the person or persons in whose favour such assignment, bargain, sale, or contract is made, to the person making and executing the same; and upon every such assignment, bargain, sale, or contract, the treasurer or deputy treasurer of Chelsea Hospital shall only pay to the person or persons claiming under or by virtue thereof so much money as shall appear to have been advanced and paid as such consideration money as aforesaid, together with interest for the same after the rate of five pounds per centum per annum, where it shall appear upon such assignment, bargain, sale, or contract, that interest was intended to be paid thereon.

\* \* \* \* \*

Claim of prize  
money by next  
of kin of  
foreigners to  
be paid in cer-  
tain cases with-  
out letters of  
administration,  
&c.

XXVI. AND be it further enacted, that in all cases of claim for prize money made by the next of kin of foreigners who shall have been in the pay of his Majesty as non-commissioned officers or soldiers, and who shall have died intestate, it shall be lawful, when such next of kin shall reside out of his Majesty's dominions, for the treasurer or deputy treasurer of the said royal hospital for the time being to pay and discharge such claims to such next of kin, or any person or persons duly authorized by such next of kin to receive the same, without requiring the production of letters of administration; and in all cases where such foreign non-commissioned officers or soldiers shall have made wills, it shall be lawful for the said treasurer or deputy treasurer in like manner to pay and satisfy such claims to the person or persons who, by inspection of the original will or an authenticated copy thereof, shall appear to be entitled thereto, or to such person or persons as he, she, or they shall duly authorize to receive the same, without requiring the production of probates of such wills.

Regimental  
debts of officers,  
non-commis-

XXVII. AND be it further enacted, that it shall be lawful for the secretary at war for the time being, upon proof satisfactorily made to him that there

was any regimental or other public debt due from any officer, non-commissioned officer, or soldier at the time of his death, and that such officer, non-commissioned officer, or soldier had prize money due to him at his decease, to issue to the treasurer of the said hospital or his deputy a certificate of the amount of such regimental debts, together with a requisition that the same may be paid out of the prize money of such officer, non-commissioned officer, or soldier; and the said treasurer or deputy treasurer of Chelsea Hospital shall thereupon reserve out of the said prize money, and pay over to the person named in such requisition, the amount so due from the said officer, non-commissioned officer, or soldier, before any other claim upon the said prize money shall be paid; and the order of the said secretary at war and the receipt of the payee in such requisition named shall be the full and sufficient voucher and discharge to the said treasurer of Chelsea Hospital for the amount so paid.

signed officers, or soldiers, may be paid out of their prize money.

XXVIII. AND be it further enacted, that it shall not be lawful for the treasurer of Chelsea Hospital to pay to any creditor taking out letters of administration to a deceased officer, non-commissioned officer, or soldier, any further or greater sum out of the share of such deceased officer, non-commissioned officer, or soldier, than shall appear by affidavit to be made by the person taking out letters of administration, or other satisfactory proof to be given by him, to have been due to him at the time of taking out such letters of administration.

Creditor taking out administration entitled only to the payment of the sum due to him.

XXIX. AND be it further enacted, that in all conjunct expeditions of his Majesty's land and naval forces, from and after the adjudication of all and every ship or vessel, with their arms, ammunition, tackle, apparel, and furniture, and all the goods, merchandize, and other effects on board the same, and of every other matter or thing subject to such adjudication which shall be captured in any road, haven, river, or creek belonging to such fortress or possession, or otherwise, as lawful prize to his Majesty, in any of his Majesty's courts of admiralty or vice admiralty which shall be duly authorized to take cognizance of the same, and which courts are hereby required to proceed therein to lawful adjudication, the share and proportion of his Majesty's army, royal artillery, provincial, black, and other troops in the pay of or belonging to his Majesty, or in the pay of the United Company of Merchants trading to the East Indies, shall, as soon as such shares shall be ascertained, be paid over to the treasurer of Chelsea Hospital, in order that the same may be distributed, subject to the provisions, penalties, rules, remedies, and regulations of this Act.

In all conjunct expeditions, after adjudication by a court of admiralty, the shares of the army, as soon as ascertained, to be paid over to the treasurer of Chelsea Hospital for distribution.

XXX. AND be it further enacted, that the registrars of the High Court of Appeals and High Court of Admiralty respectively shall, on the first day of January, the first day of April, the first day of July, and the first day of October in every year, transmit to the treasurer of the said royal hospital or his deputy a list of all the prizes taken in any conjunct expeditions with the navy and army which shall have been adjudged in their courts respectively in the three months preceding, together with the names of the capturing ships and their commanders, and of the agents for the captors, and the dates of the captures and sentences respectively.

Registrars of Admiralty Court to transmit quarterly to treasurer of Chelsea Hospital a list of the prizes adjudged in conjunct expeditions.

XXXI. AND be it further enacted, that the registrars of every vice admiralty court shall, on the first day of January, the first day of April, the first day of

Registrars of vice admiralty courts to do the same.



Penalty, 50*l*.

Registrars to transmit to the treasurer copies of all letters of attorney delivered to them by agents for prize in conjunct expeditions.

Particulars to be contained in such copies.

Copies to be registered, &c.

Penalty for neglect to transmit copies, 100*l*.

July, and the first day of October in every year, or so soon after each of such quarter days respectively as any ship shall sail for England, transmit to the treasurer of the royal hospital at Chelsea a list of all the prizes taken in any such conjunct expedition as aforesaid which have been adjudged in their courts respectively during the preceding quarter of a year, together with the dates of the several captures, as far as the same may appear, the names of the capturing ships and their commanders, the agents of the captors, a copy of the decretal part of the sentences upon the same, and at the same time deliver or cause to be delivered a duplicate of the same to the deputy of the said treasurer resident at the place where such courts of vice admiralty are or shall be established, or to which their jurisdiction shall extend; and in case any such registrar of any vice admiralty court shall neglect or refuse to transmit such lists, or to deliver duplicates thereof at the times and in the manner aforesaid, every person so offending shall for every such offence forfeit and pay the sum of fifty pounds.

XXXII. AND be it further enacted, that the registrar or registrars of his Majesty's High Court of Admiralty, and of all other courts of admiralty or vice admiralty in his Majesty's dominions, shall, on the first day of January, the first day of April, the first day of July, and the first day of October in every year, or within fourteen days after each of such quarter days respectively so far as relates to the High Court of Admiralty, and with respect to courts of vice admiralty as soon after each such quarter days as any ship shall sail for Great Britain, deliver or transmit unto the treasurer of the said hospital, or to the deputy treasurer for the time being, a true copy, under his or their hand or hands, of all letters of attorney that shall be exhibited or delivered to them after the passing of this Act by any agent or agents for any prize or prizes taken or to be taken by any of his Majesty's ships or vessels of war, or hired armed ships, in any conjunct expedition with his Majesty's army, or by any agent or agents for the receipt and distribution of any bounty bill or bills in which the army shall be entitled to share; which copy shall contain the days of delivery and entry, and the dates of the letters of attorney, the names and places of abode of the agents, the names of the prizes taken, or of the ships of war or privateers of the enemy taken, burnt, sunk, or otherwise destroyed, together with the names of the ships or vessels by which such prizes shall have been taken, or by which such ships of war or privateers of the enemy shall have been taken, burnt, sunk, or otherwise destroyed, together with the date of the condemnation (if any condemnation shall have passed thereon) and of the appeal (if any interposed), to which copies the judge and judges of the said court and courts shall affix his and their seal of office; and the said copies, when received by the said treasurer of the said royal hospital at Chelsea, shall be there registered, and open to inspection by any person gratis; the charges of which copies, and affixing the seal or seals thereto, and transmitting the same to the treasurer of the said hospital, shall be paid by the said agent or agents at the time of registering his or their respective letter or letters of attorney; and in case such registrar or registrars shall neglect or refuse to transcribe and transmit such copy and copies of the said letter and letters of attorney in manner aforesaid, such registrar and registrars so neglecting or refusing shall forfeit the sum of one hundred pounds, to be recovered as herein-after mentioned.

XXXIII. AND be it further enacted, that every agent resident in the United Kingdom shall, within one month after any condemnation in the High Court of Admiralty of any prize taken in any conjunct expedition with the army, transmit a notice of such condemnation to the treasurer of Chelsea Hospital, or his deputy, together with an account of the state of the property condemned at the time of such transmission, and shall from time to time furnish to the said treasurer or deputy treasurer such other particulars as shall be required by him for the purposes of this Act, or pain of forfeiting for every neglect the sum of one hundred pounds, unless a reasonable cause be shown to and approved by the Court of Admiralty why such information and particulars have not been furnished as aforesaid.

Notice of condemnation in Court of Admiralty of prize taken in conjunct expedition, &c. to be transmitted by the agent to the treasurer of Chelsea Hospital.  
Penalty, 100*l*.

\* \* \* \* \*

XXXV. AND be it enacted, that it shall be lawful for the commissioners of the said royal hospital at Chelsea from time to time to issue precepts under their hands, or under the hands of any three or more of them, (such precepts to be in the form set forth in the schedule to this Act marked (H.)) to such persons as they may have reason to believe have received monies payable to such officers, soldiers, or troops as aforesaid, under any power of attorney or order heretofore or hereafter to be executed, requiring them within two calendar months next after the time at which such precept shall have been served, in case the person or persons to whom it shall be directed shall reside within the United Kingdom, but if he or they shall reside in any of his Majesty's dominions abroad, then by the first ship which shall sail from the port or place nearest to that at which such person or persons shall reside next after the expiration of two calendar months from the time at which such precept shall have been served as aforesaid, to deliver or transmit upon oath (which oath any justice of the peace or magistrate, or the treasurer or deputy treasurer of the said royal hospital at Chelsea for the time being, is hereby authorized to administer,) an account of all monies which may have been received by such person or persons under such powers or orders as aforesaid; and in case the same or any part thereof shall have been paid over, then the said account shall specify to whom the same or any part thereof has been so paid over; and the said parties shall at the same time pay or remit to the treasurer or deputy treasurer of Chelsea Hospital such part of the said monies as shall remain in his or their hands unpaid to the parties beneficially entitled to it or to their use; and in case such monies shall not be paid over or remitted to the said treasurer or deputy treasurer within the time limited by this Act, the same shall be recoverable from the person detaining the same, by action for money had and received, or otherwise, in the name of such treasurer or deputy treasurer of the said royal hospital at Chelsea; and the same, when so paid in or recovered, shall be for the use of the parties beneficially entitled thereto, or be otherwise applied as forfeited and unclaimed shares of army prize are by this Act directed to be applied; and in case any person or persons upon whom any such precept shall be served as aforesaid shall neglect or refuse to deliver or transmit such account within the time limited by this Act, he or they shall for every such offence forfeit and pay to the use of the said royal hospital at Chelsea the sum of one hundred pounds, to be recovered as herein-after mentioned.

Commissioners of Chelsea Hospital may issue precepts to such persons as they believe to have received money belonging to troops, to render an account of the same within a limited time.

Monies unpaid to be remitted with the account, and to be recoverable by treasurer.

Penalty for neglect to account, 100*l*.

Precepts to be repeated until accounts rendered.

Penalty for each neglect, 100*l*.

Treasurer of Chelsea Hospital to have access to books, &c. of any accounting party.

Penalty for neglect to produce, 100*l*.

Prize money in the hands of persons upon whom precepts are served to be considered as belonging to Chelsea Hospital.

With respect to monies received under powers heretofore exercised, if frauds are discovered in accounts, a bill in equity may be filed.

XXXVI. AND be it further enacted, that in case any person or persons upon whom any such precept or precepts shall have been served shall neglect or refuse to pay obedience thereto, and shall in consequence thereof pay the penalty incurred by such disobedience, it shall nevertheless be lawful for the said commissioners of the said royal hospital, and they are hereby empowered, to repeat such precept or precepts until the accounts thereby required shall have been duly rendered and delivered; and such person and persons are hereby declared to be liable to a separate penalty of one hundred pounds for every precept to be served upon him or them, to which due obedience shall not be paid, to be recovered in manner aforesaid.

XXXVII. AND be it further enacted, that it shall be lawful for the treasurer and deputy treasurer of the said royal hospital at Chelsea, with respect to all monies which have been received by such person or persons as last aforesaid under any power or order whatsoever, at all seasonable times to have access to the books, papers, accounts, and vouchers of any person or persons to whom such precepts shall be directed, relative to such transactions to which such precepts shall have reference, and such person and persons are hereby required to produce the same to the said treasurer or deputy treasurer whenever he or they shall be required so to do, in order that such treasurer or deputy treasurer may peruse, examine, and take extracts or copies of so much thereof as he may think proper; and in case any such person or persons as last aforesaid shall refuse or neglect to produce such books, papers, and accounts, or any or either of them, upon ten days notice to be given to him or them for that purpose, he or they shall forfeit and pay for every such offence, to the use of the said royal hospital at Chelsea, the sum of one hundred pounds, to be recovered as hereafter mentioned.

XXXVIII. AND be it further enacted, that from and immediately after the service of any such precept as aforesaid all monies received under such powers or orders as aforesaid, which shall at that time be in the hands of the person or persons to whom such precept shall be directed, shall be deemed and considered to be the property of the commissioners of the said royal hospital at Chelsea, to be applied by them in the manner by this Act directed; and with respect to the monies which may have been received by such person or persons as aforesaid, under any power or order which shall have been made and executed before the passing of this Act, in case the said treasurer or deputy treasurer shall, upon inspection of the vouchers and other documents relating to any account which shall be rendered and delivered in obedience to any such precept or precepts as aforesaid, be dissatisfied with such account and have reason to believe that the payments therein stated to have been made, or any or either of them, have not been really and truly made, or that such account is in any other respect fraudulent or defective, it shall be lawful for such treasurer or deputy treasurer of Chelsea Hospital, and they are hereby respectively authorized and empowered, to file a bill in equity against such person or persons, in order to such account being regularly taken and examined, and other proceedings being had relative thereto, according to the usual course of courts of equity, such bills to be filed in the name of the treasurer or deputy treasurer of the said royal hospital at Chelsea for the time being, and not to be considered defective on account of the persons beneficially

entitled to the monies which shall be the subject of them not being made parties thereto.

XXXIX. AND be it further enacted, that it shall be lawful for the said treasurer or deputy treasurer for the time being of the aforesaid hospital, or their or either of their deputy or deputies to be by them or either of them for such purposes nominated or appointed by deed or writing under their or either of their hands or hand, for and on behalf and in the name or names of the said treasurer or deputy treasurer for the time being, or either of them, or for and on behalf and in the name or names of the commissioners for the time being of the said hospital, or any of them, to appear before the commissioners or major part of the commissioners named or to be named in any commission or commissions of bankrupt, in any public or private meetings of such commissioners under any such commission or commissions of bankrupt, and to prove the amount of all prize or bounty money, grant, or monies, or balances of prize or bounty money, grant, or monies, or other allowances of money in the nature thereof, in the hands, custody, or power of or unpaid by such bankrupt or bankrupts respectively, at the date and issuing of any such commission of bankrupt, in or to which the said hospital, or the army generally, or any division or divisions, battalion or battalions, regiment or regiments, individual or individuals of the army, shall be interested or entitled under the several Acts of Parliament already enacted and now in force, or at any time hereafter to be enacted or become in force, and to make every such proof and proofs of debt upon the oath or affirmation, as the case may require, of such treasurer or deputy treasurer of the said hospital for the time being, or of any clerk or clerks or other officer or officers of the said hospital, conversant or acquainted with the books and affairs of the said hospital, who shall swear or affirm as to the amount of such prize, bounty, grant, or other monies, or balances of prize, bounty, grant, or other monies, of which such proof shall be so tendered, to the best of his or their knowledge and belief, after an examination of the books of the said hospital relating thereto, or by a production of the books of the said hospital, or by a production of the certificate of the examiner of prize accounts, or by a production and examination of the book or books of such bankrupt or bankrupts, or the personal examination on oath of such bankrupt or bankrupts respectively under such commission or commissions of bankrupt, and which production or examination of the bankrupt's books and accounts, and of such bankrupt or bankrupts themselves, the said treasurer or deputy treasurer, or such other person or persons as they or either of them shall so appoint as aforesaid, are hereby authorized and empowered to require, or, in default of such evidence, then by such other evidence as to the said commissioners named and authorized in every such commission of bankrupt under which such proof shall be tendered, or the major part of them, shall under the circumstances seem reasonable; the making of every such proof nevertheless to be liable to such opposition, and every such proof, when made, liable to be expunged in the same way and upon the same evidence as any other proof or proofs of debt by any other person or persons claiming to prove or having proved under such commission or commissions of bankrupt respectively; and also to receive and take, and to give good and effectual discharges for, all and every dividend and dividends payable or to become payable by or out of the estate and effects of such bankrupt or bankrupts, or

Treasurer or his deputy may prove in any bankruptcy for prize money, &c. due from the bankrupt;

and may receive dividends;

and may vote  
for assignees ;  
and assent to  
the allowing  
of certificates ;  
and exercise  
other powers  
of creditors ;

and also may  
act in cases of  
insolvency.

any part thereof, upon the amount of any and every such proof of debt under such commission ; and also to vote in the choice of any assignee or assignees of the estate and effects of every such bankrupt for the whole sum proved ; and also to assent to or dissent from the signing and allowing the certificate or certificates of every such bankrupt ; and further, to have and exercise every other right, authority, and power whatsoever in respect of the estate and effects of every such bankrupt, or the sale or disposition thereof, and otherwise to act therein, or in any matter relating thereto, in the same manner and to the same extent as any other creditor of such bankrupt proving a debt to a like amount under such commission or commissions of bankrupt respectively might or could do ; and also to come in and receive, and give legal and effectual discharges for, any dividend or dividends payable or to become payable by or out of the estate and effects of any insolvent debtor or debtors, who at the time of his or their presenting any petition or petitions for his or their discharge or discharges from prison, under the several Acts now in force for the relief of insolvent debtors, or hereafter to come in force, shall have any prize, bounty, grant, or other money or monies, or balances of prize, bounty, grant, or other money or monies, in his or their respective hands, in or to which the hospital, or the army generally, or any division or divisions, battalion or battalions, regiment or regiments, individual or individuals of the army shall be so interested or entitled as aforesaid ; and also to appear upon and oppose or consent to any such petition of discharge, and in all other respects to have and exercise every right, power, and authority, in the same manner and to the same extent as any creditor or creditors of such insolvent debtor or debtors for a like amount.

Accounts to be  
laid annually  
before Parlia-  
ment by deputy  
treasurer.

**XL. AND** be it further enacted, that it shall be lawful for the deputy treasurer of the said royal hospital at Chelsea for the time being, and he is hereby required, to lay annually before both Houses of Parliament an account in the form set forth in the schedule to this Act annexed marked (K.), or in some other form directed or approved by the commissioners of Chelsea Hospital ; and such accounts shall be made up to the thirty-first day of December in every year, the first of them to commence from the period up to which accounts have been already laid before Parliament.

Treasurer to  
render an  
account quar-  
terly to the  
commissioners  
of the hospital.

**XLI. AND** be it further enacted, that the treasurer or deputy treasurer of the said royal hospital shall render to the commissioners of the said hospital a just and true account of all their receipts and payments, under the authority of this Act, four times in every year, (that is to say,) to the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year, or at such other times as the said commissioners shall require ; and the said commissioners, or any three or more of them, are hereby authorized and empowered to examine, audit, and finally pass the said accounts ; any powers, authorities, and directions in any other Act of Parliament to the contrary in anywise notwithstanding.

Forfeited or  
unclaimed  
shares and per-  
centage may be  
applied to the  
general ser-  
vices of the  
hospital.

**XLII. AND** be it further enacted, that it shall and may be lawful for the commissioners of the said royal hospital at Chelsea at all times hereafter, by warrant under their hands, or under the hands of any three or more of them, directed to the treasurer or deputy treasurer of the said hospital, from time to time to appropriate such sums of money forming a part of the prize money already forfeited and unclaimed, or hereafter to become forfeited and unclaimed,

and also of the per-centage hereafter to arise by virtue of this Act, as they may think expedient and proper, to the general services and expences of the said royal hospital, or relating thereto.

XLIII. AND be it further enacted, that it shall be lawful for the said treasurer of the said royal hospital at Chelsea for the time being to nominate and appoint such person or persons as he may think fit to be his deputy or deputies, for the specific purposes of receiving applications and claims for prize and bounty monies to which the army shall be entitled, and for such other specific purposes of this Act as he may deem advisable, at such ports or places as he shall from time to time think necessary.

Treasurer may appoint deputies for certain purposes.

XLIV. AND be it further enacted, that from and after the passing of this Act all receipts given or taken for prize money or balances paid or received by the treasurer or deputy treasurer of Chelsea Hospital shall be exempt from any duty of stamps whatsoever; any law or statute to the contrary thereof notwithstanding.

Receipts exempted from stamp duty.

XLV. AND be it further enacted, that if any person or persons shall falsely make oath to any of the matters herein-before required to be verified on oath, or suborn any other person so to do, such person or persons shall suffer the like pains and penalties as are incurred by persons committing wilful and corrupt perjury.

Punishment of persons taking false oaths, &c.

XLVI. AND be it further enacted, that where the offence of taking a false oath, or suborning any person so to do, or any of the offences by this Act made cognizable in any of his Majesty's courts of record in Great Britain, shall be committed out of this realm, the same may be alleged to be committed, and may be laid, inquired of, tried, and determined in any county in England, in the same manner to all intents and purposes as if the same had been actually done or committed within the body of such county.

Offences committed abroad may be tried in any county in England.

XLVII. AND be it further enacted, that all penalties and forfeitures imposed by this Act, wheresoever the same shall arise or become forfeited, may be recovered by action, bill, plaint, or information in any of his Majesty's courts of record in Great Britain, unless in cases where any other mode is by this Act particularly directed; and all penalties and forfeitures imposed by this Act, which shall arise or become forfeited in any part of his Majesty's dominions abroad, may be recovered in any court of record of his Majesty in the colony, territory, or place where the same shall arise or have become forfeited, or in any of his Majesty's vice admiralty courts having jurisdiction there.

Penalties and forfeitures how to be recovered.

XLVIII. AND be it further enacted, that all pecuniary penalties and forfeitures by this Act imposed, other than such as are by this Act directed to be otherwise applied and disposed of, shall go and be applied to the use of the royal hospital at Chelsea, and shall be sued for in the name of the commissioners thereof.

Penalties to go to Chelsea Hospital.

XLIX. AND be it further enacted, that if any person shall knowingly and willingly personate or falsely assume the name or character, or procure any other person to personate or falsely assume the name or character of any officer, non-commissioned officer, soldier, or other person entitled or supposed to be entitled to any prize money, grant, bounty money, share, or other allowance of money due or payable or supposed to be due or payable for or on account of any service performed or supposed to have been performed by any officer, non-commissioned officer, soldier, or other person who shall have really served

Punishment of personation, forgery, or perjury in relation to prize money.

or be supposed to have served in his Majesty's army or in any other military service, or shall personate or falsely assume, or act, aid, or assist in personating or falsely assuming the name or character, or procure any other person to personate or falsely assume the name or character of the executor or administrator, wife, widow, next of kin, relation, or creditor of any such officer, non-commissioned officer, soldier, or other person as aforesaid, in order to receive or to enable any other person to receive any prize money, grant, bounty money, share, or other allowance of money due or payable or supposed to be due or payable for or on account of any service performed or supposed to have been performed by any such officer, non-commissioned officer, soldier, or other person as aforesaid; or if any person shall forge or counterfeit or alter, or cause or procure to be forged or counterfeited or altered, or knowingly and willingly act or aid or assist in forging or counterfeiting or altering the name or handwriting of any officer, non-commissioned officer, soldier, or other person entitled or supposed to be entitled to any prize money, grant, bounty money, share, or other allowance of money due or payable or supposed to be due or payable for or on account of any service performed or supposed to have been performed by any officer, non-commissioned officer, soldier, or other person who shall have really served or be supposed to have served in his Majesty's army, or other military service, or the name or handwriting of any officer or under officer, clerk, or servant of or in the employ of the commissioners of the said royal hospital at Chelsea, or the name or handwriting of any officer or person in any way concerned in the paying, or the ordering, directing, or causing the payment of any such prize money, grant, bounty money, share, or other allowance of money due or payable or supposed to be due or payable as aforesaid; or shall falsely make, forge, counterfeit, or alter, or willingly act, aid, or assist in the false making, forging, counterfeiting, procuring, or altering any letter of attorney, bill, ticket, order, certificate, voucher, receipt, will, or any other power, instrument, warrant, authority, document, or writing whatsoever, relating to or in anywise concerning the payment of or the obtaining or claiming any such prize money, grant, bounty money, share, or other allowance of money due or payable or supposed to be due or payable as aforesaid, in order to receive, obtain, or claim any such prize money, grant, bounty money, share, or other allowance of money due or payable or supposed to be due or payable as aforesaid; or shall utter or publish as true, or knowingly and willingly act or aid or assist in uttering or publishing as true any falsely made or forged, or counterfeited or altered letter of attorney, bill, ticket, order, certificate, voucher, receipt, will, or any other power, instrument, warrant, authority, document, or writing whatsoever, with intention to receive, obtain, or claim, or to enable any other person to receive, obtain, or claim from the said commissioners of the said royal hospital, or from any officer, under officer, clerk, or servant of the said commissioners, or from any person whatsoever authorized or supposed to be authorized to pay the same, the payment of any such prize money, grant, bounty money, share, or other allowance of money due or payable or supposed to be due or payable as aforesaid, with intention to defraud any person or persons whatsoever, or any body or bodies politic or corporate whatsoever; or shall knowingly take a false oath in order to obtain letters of administration or the probate of any will, in order to receive, obtain, or claim, or to enable any other person to receive, obtain, or claim any prize

money, grant, bounty money, share, or other allowance of money due or payable or supposed to be due or payable for or on account or in respect of the service of any officer, non-commissioned officer, soldier, or other person as aforesaid, who shall have really served or be supposed to have served in his Majesty's army or other military service; or shall demand or receive any prize money, grant, bounty money, share, or other allowance of money due or payable or supposed to be due or payable as aforesaid, upon letters of administration or a probate of a will, knowing the will on which such probate shall have been obtained to be false, forged, or counterfeited, or knowing such letters of administration or the probate of such will as last aforesaid to have been obtained by means of any such false oath, with intention to defraud any person or persons whatsoever, or any body or bodies politic or corporate whatsoever; all and every person so offending, being thereof lawfully convicted, shall be and are and is hereby declared and adjudged to be guilty of felony, and shall be transported beyond the seas for life, or for any term not less than seven years, as the court before whom such person or persons shall be convicted shall adjudge.

L. AND be it enacted, that all prize and bounty money, grant, or other money or monies in the nature thereof, which shall become payable to the treasurer or deputy treasurer of Chelsea Hospital in manner herein-before mentioned, shall be deemed to be public monies in the hands of any persons receiving or detaining the same.

All prize money, &c. shall be deemed public money.

#### SCHEDULES to which this Act refers.

##### SCHEDULE (A.)

KNOW all men by these presents, that we, the agent of \_\_\_\_\_ and the sureties of \_\_\_\_\_ are jointly and severally held and firmly bound to the treasurer and deputy treasurer of Chelsea Hospital for the time being, and to each of them, in the sum of two thousand pounds of lawful money of the United Kingdom of Great Britain and Ireland, current in England, to be paid to the said treasurer or deputy treasurer of Chelsea Hospital for the time being, or either of them, or their certain attorney, successors, or assigns, for which payment to be well and truly made we bind ourselves and each of us, our and each of our heirs, executors, and administrators, firmly by these presents sealed with our seals, dated the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the reign of our sovereign lord \_\_\_\_\_ by the grace of God of the United Kingdom of Great Britain and Ireland, King, defender of the faith, and in the year of our Lord one thousand eight hundred and \_\_\_\_\_.

THE condition of the above-written obligation is such, that if the above-bounden \_\_\_\_\_ shall duly execute his trust in all matters of prize agency committed to his care, particularly in all matters relating to the selling the property, and the collecting and receiving and transmitting and paying over all prize or bounty money, grants, and other allowances of money arising from capture or service at \_\_\_\_\_ and if the above-bounden \_\_\_\_\_, his executors and administrators, do and shall in all things strictly conform to the rules, regulations, and provisions of the several Acts now in force with





## SCHEDULE (D.)

## CERTIFICATE for a Soldier now serving.

THESE are to certify, that we have examined the above-named who signed the above order [or acknowledged the signature to the above order to be his signature] in our presence; and from the documents he has shown to us, and his answers to our questions, we have reason to believe that the said was serving in the above-mentioned regiment at the time of making the said capture, and that he is now serving as a in the regiment of . Given under our hands at the day of 18 .

Commanding Officer.

Adjutant.

Paymaster.

## SCHEDULE (E.)

## CERTIFICATE for a Soldier who has been discharged.

THESE are to certify, that we have examined the above-named who signed or acknowledged the above order in our presence; and from the documents he has shown us, and his answers to our questions, we have reason to believe that the said was serving in the above-mentioned regiment at the time of making the above capture, and that he was discharged on the day of 18 ; that he now resides in this parish, and is an out-pensioner of Chelsea Hospital, at per diem.\*

Given under hands at near the post town of this day of 18 .

Minister.

Churchwarden or Overseer.

Elder.

\* If not a pensioner, these words to be erased.

## DIRECTIONS for executing the above Certificate.

THE above certificate must be signed by the minister and one of the churchwardens or overseers (or elders) of the parish in which the discharged soldier resides, who should have the man's instructions produced to him, if a pensioner, and if not, his discharge, the date of which it is absolutely necessary should be inserted in the space left for that purpose.

## SCHEDULE (F.)

## ORDER for paying the Prize Money of

## deceased.

Name.	Company or Troop.	Rank.	Trade or Calling.	Place of Birth.	—
					£ s. d.

Should the prize money to be received on this order amount to two pounds, this bill must be drawn on a shilling stamp, and affixed hereto.

AT seven days sight pay to [or to the order of  
the regimental agent] the amount of the share of prize or bounty  
money due to in respect of his service as a  
in the regiment of at the capture of  
in the month of 18 .  
To the treasurer or }  
deputy treasurer } (\*)  
of Chelsea Hospital.

Next of kin of the above-mentioned  
deceased [or representative, as  
the case may be.]

#### DIRECTIONS for executing the Order.

THE above order must be signed by the claimant at the mark (\*). The certificate (F. F.) must be signed by the minister, and one of the churchwardens or overseers (or elder) of the parish or place where the person making the order resides; and the minister is particularly requested to satisfy himself that the person signing the above order is the legal representative of the deceased, the date of whose death it is absolutely necessary should be inserted in the space left for that purpose.

#### SCHEDULE (F. F.)

CERTIFICATE for a Person who is entitled to the Prize Money of a deceased Soldier.'

THESE are to certify, that we have examined the above-named  
the claimant, who signed or acknowledged the above order in our presence; and from the documents shown to us, and answers to our questions, we have reason to believe that the above-named party originally entitled, is dead; that he died on  
and that the said , the claimant, is the and legal representative of the said deceased; and that now resides in this parish, and is duly entitled to receive the same. Given under our hands at  
near the post town of this day of  
one thousand eight hundred and .

Minister.  
Churchwarden or Overseer.  
Elder.

#### SCHEDULE (H.)

By virtue of the authority in us vested by an Act passed in the second year of the reign of his present Majesty, intituled "An Act for consolidating and amending the laws relating to the payment of army prize money," we, the undersigned commissioners of the said royal hospital at Chelsea, do hereby require you, within two calendar months next after the time at which this precept shall be served, to deliver or transmit to the deputy treasurer of the said royal hospital, upon oath, an account of all monies by you received under or

by virtue of any powers of attorney or power of attorney, orders or order, by which you have been authorized to receive any prize monies or other monies payable to the army; and in case the said monies so received by you under or by virtue of such powers or power, orders or order, as aforesaid, or any part thereof, have been paid over, then to whom the same or any part thereof has been so paid over as aforesaid: And we do by virtue of the said authority further require, that you shall at the same time pay or remit to the treasurer or deputy treasurer of Chelsea Hospital such part of the said monies as shall remain in your hands unpaid, for the parties beneficially entitled to it; and to deliver or transmit such account as aforesaid, within the time in that behalf above mentioned, you shall by no means neglect or refuse, under the penalty in that behalf provided. Given under our hands, this  
 day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred  
 and \_\_\_\_\_

## SCHEDULE (K.)

The ACCOUNT of the DEPUTY TREASURER of the ROYAL HOSPITAL at CHELSEA, directed to be annually laid before the Houses of Parliament by an Act passed intituled "An Act [the title of this Act].

Date of Year.		£ s. d.	Date of Year.		£ s. d.
	To 5l. per cent deducted from prize money - }			By part of the said 5l. per cent. paid or invested in the funds - }	
				By cash refunded to claimants - }	
	Deductions from, &c. -				
	[State particulars.]				
	To cash arising from forfeited and unclaimed shares of prize money, grants, &c. }			By other payments; viz.	
				[Set them out.]	
	[Here set forth the names of the several persons from whom the monies have been received, the several sums received from each person, and the several captures, &c. to which each sum relates.]			By sums paid for the royal hospital, as follows:	
				[Here set out particulars.]	
	To ditto, arising from the dividends or interest of monies invested in the public funds or other government securities - }			By monies invested in the public funds or other government securities - }	
	[Here state particulars.]				
				By balance in the hands of the treasurer - }	

## CHAPTER LVII.

AN ACT to continue and extend the Provisions of an Act passed in the Fifty-ninth Year of His Majesty King George the Third, for giving additional Facilities in Applications to Courts of Equity regarding the Management of Estates or Funds belonging to Charities; and for making certain Provisions respecting Estates or Funds belonging to Charities.

[23d June 1832.]

59 Geo. 3.  
c. 91.

WHEREAS by an Act passed in the fifty-ninth year of the reign of his late Majesty King George the Third it was, amongst other things, enacted, that whenever, upon any examination or investigation taken or had by and before the commissioners appointed or to be appointed under the authority of certain Acts of the fifty-eighth and fifty-ninth years of his said late Majesty therein-before mentioned, any case should arise or happen in which it should appear to the said commissioners that the directions or orders of a court of equity were requisite for the remedying of any neglect, breach of trust, fraud, abuse, or misconduct in the management of any trust created for any charitable purposes as therein-before mentioned, or of the estates or funds thereunto belonging, or for the regulating the administration of any such trust, or of the estates or funds thereof, it should and might be lawful for the said commissioners, or any five or more of them, if they should think fit, to certify the particulars of such case in writing under their hands to his Majesty's attorney general, and thereupon it should be lawful for his Majesty's attorney general, if he should so think fit, either by a summary application in the nature of a petition, or by information, as the case might require, to apply to or commence a suit in his Majesty's High Court of Chancery, or to or in his Majesty's Court of Exchequer sitting as a court of equity, stating and setting forth the neglect, breach of trust, fraud, abuse, or misconduct, or other cause of complaint or application, and praying such relief as the nature of the case might require; and after such petition should have been presented or suit instituted, such proceedings were to be had thereupon as in the said Act now in recital mentioned: And whereas the powers of the said commissioners expired on the first day of July one thousand eight hundred and thirty, and many charities still remain to be investigated: And whereas an Act was passed in the last session of Parliament, intituled "An Act for

1 & 2 Will. 4.  
c. 34.

" appointing commissioners to continue the inquiries concerning charities in " England and Wales for two years, and from thence to the end of the then " next session of Parliament," whereby his Majesty was empowered to issue a commission, enabling the commissioners therein to be named to investigate such remaining charities: And whereas it is expedient that the provisions of the said recited Act of the fifty-ninth year of the reign of his said late Majesty should be continued in manner herein-after mentioned; and it is also expedient to facilitate the proofs in proceedings instituted or to be instituted under the said last-mentioned Act, or of this Act, in manner herein-after mentioned: And whereas it is expedient to make such provisions respecting estates or funds belonging to charities as herein-after mentioned: . . . . .

\* \* \* \* \*

III. AND be it further enacted, that where the person, or all the persons, if more than one, in whom any lands, hereditaments, rent-charge, or other real

Courts of  
Chancery or  
Exchequer

property may have been vested in trust for any charity or charitable or public purpose, shall be dead, it shall be lawful for the said Court of Chancery or the said Court of Exchequer, on the petition of his Majesty's attorney general, or of the persons or body administering such charity or superintending such public purpose, or of any person on behalf thereof, to direct any master or other officer of the said courts respectively to cause two successive advertisements to be inserted in the London Gazette, and in one or more of the newspapers circulated in the county, city, or place where such land, hereditaments, or real property, or the lands or hereditaments out of which such rent-charge is issuing, shall be situated, giving notice that the representative or representatives of the person of the last survivor of the persons in whom any land, hereditaments, rent-charge, or other real property may have been vested in trust as aforesaid, do within twenty-eight days appear or give notice of his or their title to such master or other officer, and prove his or their pedigree or other title as trustee; and if no person shall appear to give such notice within such twenty-eight days, or the person or persons who may appear or give such notice shall not within thirty-one days after such appearance or notice prove his or their title to the satisfaction of such master or other officer, then and in such case it shall be lawful for the said courts respectively to appoint any new trustees for such charity or charitable or public purpose, in case no trustees for such charity or purpose duly appointed shall then be existing; and such land, hereditaments, rent-charge, or other real property may be conveyed to such new trustees when so appointed by the said courts respectively, or to the existing trustees previously duly appointed, as the case may be, by any person whom the said courts respectively may direct for that purpose by virtue of the provisions in this Act, without the necessity of any decree.

may in certain cases appoint new trustees, and direct conveyances of charity estates to the trustees thereof in certain cases.

\* \* \* \* \*

## CHAPTER LVIII.

AN ACT to extend the Provisions of an Act of the First Year of the Reign of His present Majesty, for altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills pro Confesso; and to explain certain Parts thereof. [23d June 1832.]

**W**HEREAS by an Act passed in the first year of the reign of his present Majesty, intituled "An Act for altering and amending the law regarding commitments by courts of equity for contempts, and the taking bills pro confesso," it is amongst other things enacted, that the discharge of any prisoner adjudicated upon under the authority of an Act passed in the seventh year of his present Majesty's reign, intituled "An Act to amend and consolidate the laws for the relief of insolvent debtors in England," or any other Act which may hereafter be passed for the relief of insolvent debtors, shall and may extend to all process issuing from any court of equity for any contempt of such court for nonpayment of money, or of costs, charges, or expences in any such court; and that in such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay in consequence or by reason of such contempt, or on purging the same; and that every discharge so adjudicated as aforesaid, as to any debt or damages of any creditor

Recital of  
11 Geo. 4. &  
1 Will. 4. c. 36.  
s. 16.

Courts of equity may discharge persons committed for contempt ;

except as to the costs thereof, which shall be discharged under the recited Act.

of such prisoner, shall be deemed to extend also to all costs incurred by such creditor before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoner for the purpose, for the recovery of the same ; and that all persons as to whose demands for any such costs, money, or expences any such person shall be so adjudged to be discharged, shall be deemed and taken to be the creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said Act or any future Act, subject nevertheless to such ascertaining of the amount of the said demands as may be had by taxation or otherwise, and to such examination thereof as is in the said last-mentioned Act or as shall be in any future Act provided in respect of all claim to a dividend of such insolvent's estate and effects : And whereas it is expedient to extend the provisions of the said Act passed in the first year of the reign of his present Majesty : Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases of contempt other than and besides those provided for by the last-mentioned Act, where any person or persons are or is or shall at any time hereafter be in prison under or by reason of any commitment or attachment directed by or issued out of the Court of Chancery or his Majesty's Court of Exchequer, the court of equity by which such commitment shall have been directed or out of which such attachment shall have issued shall (upon the application of the persons or person against whom such commitment or attachment hath been directed or issued) have the power, if it shall so think fit, to discharge such persons or person from their, his, or her contempt, except as to the costs thereof, for which costs they, he, or she shall remain in custody ; and such costs shall be deemed within the herein-before recited provisions of the said last-mentioned Act, and they, he, or she shall be discharged therefrom and from the process of contempt in like manner as is in the said last-mentioned Act provided for in cases of process of contempt for nonpayment of money or costs ; provided that this Act shall not weaken any of the powers by the said Act passed in the first year of his present Majesty given, and that nothing herein contained shall lessen the operations of the said Act for the relief of insolvent debtors.

## CHAPTER LIX.

AN ACT to transfer the Management of certain Annuities on Lives from the Receipt of His Majesty's Exchequer to the Management of the Commissioners for the Reduction of the National Debt ; and to amend an Act for enabling the said Commissioners to grant Life Annuities and Annuities for Terms of Years. [4th July 1832.]

WHEREAS certain annuities on lives have been created at various periods by sundry Acts of Parliament ; (that is to say,) by an Act passed in the eighteenth year of the reign of his Majesty King George the Second, intituled " An Act for granting to his Majesty several additional duties upon all wines imported into Great Britain, and for raising a certain sum of money by annuities and a lottery, in manner therein mentioned, to be charged on the said additional duties " ; and also by an Act passed in the nineteenth year

Recital of  
18 Geo. 2. c. 9.

of his said Majesty, intituled "An Act for granting to his Majesty several  
 " rates and duties upon glass and upon spirituous liquors, and for raising a 19 Geo. 2.  
 " certain sum of money by annuities and a lottery, to be charged on the said c. 12.  
 " rates and duties, and for obviating some doubts about making out orders  
 " at the Exchequer for the monies advanced upon the credit of the salt duties  
 " granted and continued to his Majesty by an Act of the last session of Par-  
 " liament"; also by an Act passed in the thirtieth year of the reign of his  
 " said Majesty, intituled "An Act for granting to his Majesty several rates and 30 Geo. 2.  
 " duties upon indentures, leases, bonds, and other deeds, and upon newspapers, c. 19.  
 " advertisements, and almanacks, and upon licences for retailing wine, and  
 " upon coals exported to foreign parts, and for applying, from a certain time,  
 " the sums of money arising from the surplus of the duties on licences for  
 " retailing spirituous liquors, and for raising the sum of three millions by  
 " annuities to be charged on the said rates, duties, and sums of money, and  
 " for making perpetual an Act made in the second year of the reign of his  
 " present Majesty, intituled 'An Act for the better regulation of attornies and  
 " 'solicitors,' and for enlarging the time for filing affidavits of the execution  
 " of contracts of clerks to attornies and solicitors, and also the time for pay-  
 " ment of the duties omitted to be paid for the indentures and contracts of  
 " clerks and apprentices"; and also by an Act passed in the fifth year of the  
 " reign of his Majesty King George the Third, intituled "An Act for granting 5 Geo. 3. c. 23.  
 " annuities, to be attended with a lottery, to satisfy and discharge certain  
 " navy, victualling, and transport bills, and for charging the payment of such  
 " annuities on the sinking fund"; and also by an Act passed in the eighteenth  
 " year of the reign of his said Majesty King George the Third, intituled "An 18 Geo. 3.  
 " Act for raising a certain sum of money by way of annuities, and for esta- c. 22.  
 " blishing a lottery"; and also by an Act passed in the nineteenth year of the  
 " reign of his said Majesty King George the Third, intituled "An Act for raising 19 Geo. 3.  
 " a certain sum of money by way of annuities, and for establishing a lottery"; c. 18.  
 " and also by an Act passed in the twenty-ninth year of the reign of his said  
 " Majesty King George the Third, intituled "An Act for raising a certain sum 29 Geo. 3.  
 " of money by way of annuities, to be attended with the benefit of survivor- c. 41.  
 " ship in classes"; and also by an Act passed in the thirtieth year of the  
 " reign of his said Majesty King George the Third, intituled "An Act for con- 30 Geo. 3.  
 " verting certain annuities to be attended with the benefit of survivorship in c. 45.  
 " classes, established by an Act of the last session of Parliament, into certain  
 " annuities for an absolute term of years, and for enabling the commissioners  
 " of the Treasury to nominate lives for the shares so converted"; which said  
 " several annuities on lives were by the said recited Acts placed under the  
 " management and made payable at the receipt of his Majesty's Exchequer:  
 " And whereas it is expedient that the said annuities should be transferred to  
 " the management of the commissioners for the reduction of the national debt,  
 " and be regulated by one general system of payment, in common with all other  
 " life annuities due to the public creditor; and it is therefore expedient to repeal  
 " so much of the said recited Acts as relate to the management and payment of  
 " the said annuities at the receipt of the said Exchequer: Be it therefore enacted  
 " by the King's most excellent Majesty, by and with the advice and consent of the lords  
 " spiritual and temporal, and commons, in this present Parliament assembled, and by the  
 " authority of the same, that so much of the said recited Acts as relates to the manage-  
 " ment, assignment, and payment of the said annuities on lives at the receipt of his

So much of  
 recited Acts  
 as relates to the  
 management  
 and payment  
 of annuities for



lives at the  
Exchequer,  
repealed.

Annuities  
created by  
recited Acts  
transferred to  
management of  
commissioners  
for reduction  
of national  
debt.

Majesty's Exchequer, shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

II. AND be it enacted, that after the passing of this Act, or as soon after as the necessary arrangements can be made, of which the said commissioners shall give notice in the London Gazette, the said several annuities on lives which were created by the said several recited Acts shall be placed under the management of the commissioners for the reduction of the national debt, and shall be payable and paid at the Bank of England, under the regulations herein-after directed.

\* \* \* \* \*

IV. AND whereas an Act was passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled "An Act to enable the commissioners for the reduction of the national debt to grant life annuities and annuities for terms of years," which said life annuities were by the said Act made payable and transferable at the Bank of England: And whereas it is expedient to repeal certain provisions of the said last-recited Act, and of the said recited Act of the thirtieth year of the reign of his Majesty King George the Third, and to substitute other provisions in lieu thereof: . . . . .

10 Geo. 4. c. 24.

30 Geo. 3. c. 45.

A declaration  
to be made in  
lieu of the  
affidavit or  
affirmation  
hitherto re-  
quired under  
recited Acts.

Penalty for  
false declara-  
tion, 100*l*.

V. AND be it further enacted, that in all cases in which any affidavit or solemn affirmation was required by any of the said recited Acts aforesaid, the person or persons who would, under the said recited Acts, be required to take or make such affidavit or solemn affirmation, shall make and subscribe a declaration in lieu thereof, in such form and words and under such regulations as may be directed by the said commissioners, or by the comptroller general or assistant comptroller acting under the said commissioners; and if any such declaration shall be untrue in any particular, the person making the same shall, over and above every other penalty to which such person may become subject, forfeit the sum of one hundred pounds.

Affidavits or  
affirmations  
produced after  
passing of this  
Act shall still  
be valid.

Affidavit or  
affirmation  
may be re-  
quired in cer-  
tain cases.

VI. PROVIDED always, and be it enacted, that if after the passing of this Act any affidavit or solemn affirmation shall be produced for the purpose of receiving any life annuity under the provisions of the said recited Acts, such affidavits and solemn affirmations, notwithstanding the repeal thereof by this Act, shall be deemed valid and effectual for the purpose of receiving such life annuities, any thing in this Act to the contrary thereof in anywise notwithstanding.

VII. PROVIDED nevertheless, and be it further enacted, that the said commissioners, or comptroller general or assistant comptroller acting under the said commissioners, may in any case require any such person or persons to make affidavit or solemn affirmation in confirmation of any such declaration; and every such person shall, and he, she, or they is and are hereby thereupon required to make such affidavit or solemn affirmation before such comptroller general or assistant comptroller, or other officer appointed for that purpose by the said commissioners, who are hereby respectively authorized to administer the same, or before any justice of the peace or magistrate, any thing in this Act to the contrary thereof notwithstanding.

Upon proof  
of nominees  
being living,  
or of their  
deaths, war-  
rants to be

VIII. AND be it enacted, that upon proof of the existence of the nominee of any life annuity created by any of the said first-recited Acts, or by the said recited Act of the tenth year of the reign of his late Majesty, or of any life annuity which may hereafter be created by the said last-recited Act,

either by the personal appearance of such nominee before the officer of the said commissioners, or, in case of the nonappearance of such nominee, by the production of a certificate proving the existence of such nominee as is required by the said recited Acts, together with such declaration aforesaid, or other evidence to the satisfaction of the said commissioners, or of the officer or officers acting under the said commissioners, the said officer shall thereupon issue to the person or persons entitled to any annuity depending upon the life of such nominee a warrant or warrants in such form as shall be approved by the said commissioners, or by the comptroller general or assistant comptroller acting under the said commissioners, addressed to the cashiers of the governor and company of the Bank of England, for the half-yearly payment or payments of the annuity which shall be then depending upon the life of such nominee; or upon proof of the death of the said nominee, then a warrant shall be issued by the said officer for the payment of one fourth part of the expired annuity which depended upon the life of such nominee, which, under the provisions of the said Act of the tenth year of the reign of King George the Fourth, is allowed to be claimed by the person or persons entitled thereto, provided such fourth part shall be claimed by the person or persons entitled thereto within the period prescribed by the said recited Act, together with any half-yearly payment of the said annuity which may be outstanding at the time of his or her death; and upon the said warrant or warrants being produced and lodged at the said bank, the said cashier or cashiers shall pay the sum expressed therein to the person or persons producing the same.

issued for payment of the annuities or the arrears, &c. thereof, upon which the Bank shall pay the amount.

IX. AND be it further enacted, that all persons who at the time of the passing of this Act shall be holders of and stand possessed of any Exchequer order or orders for or in respect of any annuities on lives created by any of the said first-recited Acts, heretofore payable at the receipt of his Majesty's Exchequer, or who at the time of the passing of this Act shall stand possessed, in the books of the said governor and company of the Bank of England, of any annuity depending upon the life of the said nominee, under any Act or Acts heretofore in force enabling the said commissioners for the reduction of the national debt to grant life annuities, shall be deemed and taken to all intents and purposes to stand possessed of such several and the like annuities in the books of the said commissioners, and shall be entitled to all the several rights, titles, interests, and benefits in and to any life annuity, of whatsoever kind, whether such life annuity shall be immediate or deferred, or whether actually in the course of payment at the time of the passing of this Act, or not, according to the several provisions of the said recited Acts or of any of them; and such several life annuities, and also all life annuities which may hereafter be created in pursuance of the said recited Act of the tenth year of his late Majesty, shall from time to time be transferable in the books of the said commissioners for the reduction of the national debt, or, so far as relates to any Exchequer life annuities or orders, shall be assignable and shall be paid to and shall be transferable and assignable by the persons respectively entitled to such annuities, or by some person duly authorized to receive or transfer the same, according to such form and under such regulations as shall be approved of by the said commissioners for the reduction of the national debt, or by the said comptroller general or assistant comptroller acting under the said commissioners: Provided always, that such annuity shall be trans-

Holders of life annuities under first-recited Acts to have like annuities in the books of the commissioners.

All life annuities shall be transferable in the books of the commissioners, &c.;

but must be transferred

entire and  
not in parts  
or shares.

Commissioners  
may direct  
new orders to  
be made out  
and signed, in  
lieu of orders  
lost or de-  
stroyed, with-  
out authority  
from Treasury  
or Court of  
Exchequer, as  
required by  
29 Geo. 3.  
c. 41.

ferred entire, and not in parts or shares, and that the original nominee of any annuity shall never be varied or changed, notwithstanding such transfer.

X. AND be it further enacted, that it shall be lawful for the said commissioners for the reduction of the national debt to authorize the comptroller general, or his assistant, to make out and sign any new order, in such form as the said commissioners shall direct, as a substitute for and in lieu of any order of a like description which may have been lost or destroyed or become defaced or obliterated, without any such authority from the commissioners of his Majesty's Treasury, or certificate from any judge of the Court of Exchequer, as is specified and required in the said recited Act of the twenty-ninth year of the reign of his Majesty King George the Third, or in any case whatever relating to any of the said recited Acts, upon proof being given to the satisfaction of the said commissioners, by the oath or solemn affirmation to be made and taken before the said comptroller general or assistant comptroller, or before any justice of the peace or magistrate, by the persons applying for such new order, or any other person, of such loss or destruction, or production of the order in lieu of which a new order is required; and all such new orders, so signed, shall be deemed good and valid to all intents and purposes as if the same had been made under the provisions of the said recited Acts or either of them, any thing in the said recited Acts to the contrary notwithstanding.

10 Geo. 4.  
c. 24. s. 39.

XI. AND whereas it is enacted by the said recited Act of the tenth year of his late Majesty, that the governor and company of the Bank of England shall cause to be made up, to the fifth day of January in each year, an account of all annuities for terms of years granted by the said commissioners for the reduction of the national debt, in pursuance of the said Act, which shall have remained unclaimed for the space of three years then next preceding, which annuities so remaining unclaimed, and all half-yearly arrears thereof, shall cease to be charged upon and shall not be issued or issuable out of the said consolidated fund from and after the day upon which any such annuities shall have remained so unclaimed: And whereas it is expedient that all such unclaimed annuities for terms of years should be regulated by the same rules as are directed by an Act passed in the fifty-sixth year of the reign of his Majesty King George the Third, intituled "An Act to authorize the transferring stock upon which dividends shall remain unclaimed for the space of at least ten years at the Bank of England, and also all lottery prizes or benefits, and balances of sums issued for paying the principals of stocks or annuities, which shall not have been demanded for the same periods, to the commissioners for the reduction of the national debt": Be it enacted, that the governor and company of the Bank of England shall cause to be made up quarterly an account of all annuities for terms of years already granted or which may hereafter be granted by the said commissioners under the provisions of the said recited Act of the tenth year of his late Majesty, which shall have remained unclaimed for the space of ten years then next preceding such quarters respectively; and all such unclaimed annuities and all arrears thereof shall be transferred to the commissioners for reduction of the national debt, and shall be subject to the like restrictions and regulations as all other capital stocks and annuities are now subject by the said recited Act of the fifty-sixth year of his said Majesty; any thing in any Act to the contrary thereof notwithstanding.

56 Geo. 3. c. 60.

Accounts of  
annuities for  
terms of years  
unclaimed for  
ten years, to  
be made up  
quarterly at  
the bank; and  
the annuities  
to be trans-  
ferred to the  
commissioners,  
and placed  
under the like  
regulations as  
other stocks  
are subject to  
by 56 Geo. 3.  
c. 60.

XII. AND be it further enacted, that for the purpose of ascertaining from time to time the amount of annuities for lives payable under the authority of the said several first-recited Acts, the comptroller general or assistant comptroller acting under the said commissioners shall, within fourteen days next preceding the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October in each and every year (commencing on the tenth day of October one thousand eight hundred and thirty-two), certify to the commissioners of his Majesty's Treasury the amount of annuities for lives (first deducting therefrom the amount chargeable on account of the several lives nominated by the commissioners of the Treasury under the provisions of the said recited Act of the thirtieth year of King George the Third) the half-yearly payments of which shall from time to time be chargeable, and the same are hereby made chargeable, upon the said consolidated fund, on each of such days respectively; and the said commissioners of the Treasury, or any three or more of them, shall thereupon order and direct, by warrant under their hands, the sums specified from time to time in every such certificate to be issued and paid out of the consolidated fund from time to time to the governor and company of the Bank of England, to be by them placed to the account of the commissioners for the reduction of the national debt, for the purpose of paying all such annuities respectively created by the said first-recited Acts of the eighteenth, nineteenth, and thirtieth years of King George the Second, and by the fifth, eighteenth, and twenty-ninth years of King George the Third.

Commissioners of national debt to certify to the Treasury before each quarter day the amount of annuities payable under the first-recited Acts.

Treasury to issue warrant for payment of the amount to the commissioners.

XIII. AND be it further enacted, that all letters of attorney from time to time in force, which shall have been granted for the purpose of transferring or selling or receiving such life estate so purchased under any of the said recited Acts, shall be valid and effectual for the purposes of this Act, and receiving the same under the provisions of this Act; any thing in any Act or Acts, or this Act, to the contrary notwithstanding.

Letters of attorney for transferring or receiving annuities to continue valid under this Act.

XIV. AND be it further enacted, that the commissioners for the reduction of the national debt are hereby empowered from time to time to appoint such officers, clerks, and other persons as may be necessary for carrying this Act into execution, and as may be approved of by the commissioners of his Majesty's Treasury.

Appointment of officers, &c.

XV. AND whereas it is expedient to give legal remedies to persons entitled to any annuities transferred under the provisions of this Act from the books of the governor and company of the Bank of England to the books of the commissioners for the reduction of the national debt: Be it therefore enacted, that in all cases in which any person entitled to or interested in any annuity transferable in the books of the governor and company of the Bank of England, or in any annuity recorded in the books of the said auditor of his Majesty's Exchequer, might have instituted any action, suit, or legal proceeding in any court of law or equity, for or in respect of any act, matter, or thing done by the said governor and company, or by the said auditor, or their officers, or any other person or persons, in relation to any such annuity, or any forged or other illegal transfer thereof, such action, suit, or legal proceeding may be instituted and carried on against the comptroller general of the said commissioners or the assistant comptroller general of the said commissioners for the time being, and damages recovered or other remedy given in any

Suit, &c. may be instituted against the comptroller or assistant comptroller in all cases in which the Bank or the auditor of the Exchequer would have been liable if the annuity had remained in their or his books.

Comptroller,  
&c. not to be  
personally  
liable.

Suit not to  
abate on death  
of comptroller,  
&c.

Declaration,  
&c. not to be  
liable to stamp  
duty.

Powers of  
Treasury,  
auditor of  
Exchequer and  
governor and  
company of  
Bank to be  
exercised by  
the commis-  
sioners.

Forging regis-  
ter, certificate,  
transfers, &c. ;

court of law or equity against such comptroller or assistant as might have been recovered or given against the governor and company of the Bank of England in case the said annuity had remained transferable in the books of the governor and company of the Bank of England, or against the said auditor in case the said annuity stood recorded in the books of the said auditor ; and all damages and sums of money and costs recovered in any such suit or proceeding shall be paid by the order of the commissioners of the Treasury, or any three or more of them, for the time being, (which order the said commissioners are hereby required to give,) out of any of the aids and supplies voted by Parliament for the public service : Provided always, that the body, or goods, chattels, lands, or tenements of such comptroller or assistant comptroller, shall not, by reason of his being defendant, under the provisions of this Act, in any such suit, action, or party in any such proceeding, be liable to be arrested, seized, detained, or taken in execution ; and no such suit shall abate on the death or removal from office of the comptroller or assistant comptroller against whom the said suit was had, but shall continue in full force against his successor.

XVI. AND be it further enacted, that no declaration required by this Act to be made to the commissioners for the reduction of the national debt, nor any warrant, certificate, affidavit, or affirmation, or other instrument, (save and except all letters of attorney which shall or may be granted from time to time for the purposes of this Act,) made out by or under the authority of the said commissioners, shall be liable to the payment of any stamp duty.

\* \* \* \* \*

XVIII. AND be it further enacted, that all the powers and authorities which are by the said recited Acts, or any or either of them, respectively given to the commissioners of the Treasury, or to the auditor of the Exchequer, or to the governor and company of the Bank of England, or to their respective officers, or any officer or servant acting under them respectively, in relation to any annuity by this Act placed under the management of the commissioners for the reduction of the national debt, or to any matter or thing required by any of the said recited Acts to be done by the said commissioners of the Treasury, or by the said auditor, or by the said governor and company, shall and may be used and exercised and put in force for all the purposes of this Act, and for the more effectual carrying the provisions thereof into execution, by the said commissioners for the reduction of the national debt, or by any person acting under their authority, as fully to all intents and purposes, so far as the same are not altered by this Act, as if the same were severally re-enacted in this Act, and expressly given to the said commissioners.

XIX. AND be it further enacted, that if any person or persons shall forge, counterfeit, or alter, or shall cause or procure to be forged, counterfeited, or altered, or shall knowingly or wilfully act or assist in the forging, counterfeiting, or altering, any declaration, warrant, order, or other instrument, or any affidavit or affirmation required to be made by this Act, or by the commissioners for the reduction of the national debt, under any of the provisions of this Act, or under any authority given to them for that purpose ; or shall forge, counterfeit, or alter, or shall cause or procure to be forged, counterfeited, or altered, or shall knowingly or wilfully act or assist in the forging, counterfeiting, or altering, any certificate or order of any officer of the com-

missioners for the reduction of the national debt, or the name or names of any person or persons in or to any transfer of any annuity, or in or to any certificate, order, warrant, or other instrument for the payment of money for the purchase of any annuity under the provisions of this Act, or in or to any transfer or acceptance of any such annuity in the books of the commissioners for the reduction of the national debt, or in or to any receipt or discharge for any such annuity, or in or to any receipt or discharge for any payment or payments due or to become due thereon, or in or to any letter of attorney or other authority or instrument to authorize or purporting to authorize the transfer or acceptance of any annuities or any life annuity of whatsoever kind, or authorizing or purporting to authorize the receipt of any life annuity of whatsoever kind granted under any of the said recited Acts or this Act, or any payment or payments due or to become due thereon; or if any person or persons shall wilfully, falsely, and deceitfully personate any true and real nominee or nominees, or shall wilfully utter or deliver or produce to any person or persons acting under the authority of this Act any forged register or copy of register of any birth, baptism, or marriage, or any forged declaration, affidavit, or affirmation, knowing the same to be forged, counterfeited, or altered, with intent to defraud his Majesty, his heirs and successors, or with intent to defraud any person or persons whomsoever; then and in every such case all and every person and persons so offending, and being lawfully convicted thereof, shall be adjudged guilty of felony, . . . . .

or personation  
of nominee,  
&c. ;

felony.

XX. AND be it further enacted, that the lord high treasurer, or the commissioners of his Majesty's Treasury, or any three or more of them, for the time being, may order and direct to be issued and paid, out of the fund upon which the establishment of the commissioners for the reduction of the national debt is chargeable, any sum or sums of money for the payment of salaries to officers and clerks acting in the execution of this Act, and for discharging such incidental expences as shall necessarily attend the execution thereof, in such manner as the said lord high treasurer, or commissioners of the Treasury, or any three or more of them, shall from time to time think fit and reasonable, and also for the payment of all such damages, costs, charges, and expences as shall be recovered against or payable under the provisions of this Act by the comptroller general or assistant comptroller general of the said commissioners; which last-mentioned damages, costs, charges, and expences shall be payable and paid out of any aids or supplies granted by Parliament, and applicable to any public service.

Treasury may  
order issues  
of money for  
payment of  
salaries, &c.

\* \* \* \* \*

## CHAPTER LX.

AN ACT for holding the Assizes for the King's County in Ireland, Twice in every Year, at Tullamoore, instead of Philipstown. [4th July 1832.]

**W**HEREAS it is expedient that the assizes for the King's county in that part of the United Kingdom called Ireland be held twice in each year in the town of Tullamoore, instead of in the town of Philipstown in the said King's county: And whereas the holding the same as aforesaid would be conducive to the more speedy and effective and due administration of justice therein: Be it therefore enacted by the King's most excellent Majesty, by and

Tullamoore to be shire town of King's county, Ireland, and assizes to be held there twice a year.

with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of July one thousand eight hundred and thirty-five the said town of Tullamoore aforesaid shall be deemed and taken to be the shire town of the said county; and that all the commissions of assize and nisi prius, and all general commissions of oyer and terminer, and all commissions of general gaol delivery, which shall be appointed to be held and executed for the said King's county, shall be held and executed for the said King's county at and in the said town of Tullamoore; and that the said commissions for the said King's county shall be appointed and executed at and in the said town of Tullamoore twice in every year, (that is to say,) at or about the usual times for holding the Lent and summer assizes respectively; any law, statute, usage, matter, or thing to the contrary notwithstanding.

Proviso for holding assizes in case of accident, &c. to the town of Tullamoore.

II. PROVIDED always, and it is hereby enacted and declared, that if at any time hereafter the said town of Tullamoore shall be wholly unfit for holding assizes there, by accident of fire, or by means of any contagious or epidemical distemper, or by reason of any civil tumults or disorder, or the danger or reasonable apprehension thereof, or by reason of any other cause or exigency, the same or any of the aforesaid matters to be made to appear before the lord high chancellor, or lord keeper or lords commissioners for keeping the great seal of Ireland for the time being, that then and in such cases only it shall and may be lawful to and for the said lord high chancellor, or lord keeper or lords commissioners for keeping the great seal of Ireland for the time being, with the advice of the justices of assize, from time to time in and during the continuance of such respective exigencies only, and for and at no other time or times, to appoint some convenient place within the said King's county for holding the said assizes, and each or either of them, instead of the said town of Tullamoore; any thing in this present Act contained to the contrary notwithstanding.

\* \* \* \* \*

## CHAPTER LXI.

AN ACT to render more effectual an Act passed in the Fifty-ninth Year of His late Majesty King George the Third, intituled "An Act to amend and  
" render more effectual an Act passed in the last Session of Parliament,  
" for building and promoting the building of additional Churches in  
" populous Parishes." [11th July 1832.]

Recital of  
59 Geo. 3.  
c. 134. s. 6.

WHEREAS an Act was passed in the fifty-ninth year of the reign of his late Majesty King George the Third, intituled "An Act to amend and  
" render more effectual an Act passed in the last session of Parliament, for  
" building and promoting the building of additional churches in populous  
" parishes," whereby it is (amongst other things) enacted, that it should be lawful for the commissioners appointed for the execution of the therein-recited Act, with certain consents in the now-reciting Act mentioned or referred to, to unite and consolidate contiguous parts of parishes and extra-parochial places into a separate and distinct district for all ecclesiastical purposes, and to make grants or loans towards the building of any chapel or chapels in any such district, and to constitute any such district a consolidated chapelry; and

that all such chapelries should be deemed to be benefices, and be subject to the jurisdiction of the bishop and archdeacon within whose diocese and archdeaconry the altar of such chapel should be locally situate: And whereas doubts have arisen touching such jurisdiction in the case of chapels or districts situated wholly or in part within exempt or peculiar jurisdictions: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every such chapel and district, whether situated wholly or in part within any exempt or peculiar jurisdiction, shall be subject to the jurisdiction of the bishop and archdeacon within the limits of whose diocese and archdeaconry the altar of any such chapel shall be locally situate, in as full and ample a manner as it would be if no part of such chapelry were within some exempt or peculiar jurisdiction; and in every such case all other ecclesiastical jurisdiction over the said chapel and chapelry shall wholly cease, and no other such jurisdiction shall be exercised in the said chapelry, save and except the jurisdiction of the bishop and archdeacon as aforesaid; any law, usage, or custom to the contrary notwithstanding.

Chapels of chapelries consolidated under recited Act, if within exempt or peculiar jurisdictions, shall be subject to the bishop and archdeacon within whose diocese and archdeaconry the altar is locally situate.

#### CHAPTER LXIV.

AN ACT to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in England and Wales, in so far as respects the Election of Members to serve in Parliament. [11th July 1832.]

**W**HEREAS by an Act passed in this present session of Parliament, and intituled "An Act to amend the representation of the people in England and Wales," it is (amongst other things) provided, that each of the counties enumerated in the schedule marked (F.) thereto annexed should be divided into two divisions, which divisions should be settled and described by an Act to be passed for that purpose in this present Parliament, which Act, when passed, should be deemed and taken to be part of the Act now in recital as fully and effectually as if incorporated therewith; and that two knights of the shire should be chosen for each division of the said counties; and that the court for the election of such knights of the shire should be held at the place to be named for that purpose in the Act so to be passed for settling and describing the divisions of the said counties: And whereas the Act so to be passed for settling and describing the divisions of the said counties, as in the said recited Act is mentioned, is this present Act: And whereas the several counties enumerated in the said schedule marked (F.) to the said recited Act annexed are the several counties whereof the divisions are herein-after settled and described: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the two divisions of the county of CHESTER shall respectively be called the Northern Division and the Southern Division; and that such Northern Division shall include the whole of the respective hundreds of

2 & 3 Will. 4.  
c. 45. s. 14.

Divisions of  
Cheshire.

MACCLESFIELD

and

BUCKLOW;



and that such Southern Division shall include the whole of the several hundreds of

BROXTON,  
EDDISBURY,  
NANTWICH,  
NORTHWICH,  
and

WIRRAL ;

and also the city and county of the city of CHESTER ;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Northern Division at the town of Knutsford, and for such Southern Division at the city of Chester.

Divisions of  
Cornwall.

II. AND be it enacted, that the two divisions of the county of CORNWALL shall respectively be called the Eastern Division and the Western Division ; and that such Eastern Division shall include the whole of the several hundreds called

EAST,  
WEST,  
LESNEWTH,  
STRATTON,  
and

TRIGG ;

and also the following parishes and places in the hundred of POWDER ;

(that is to say,)

St. Austell,  
St. Blazey,  
St. Denis,  
St. Ewe,  
Fowey,  
Gorran,  
Ladock,  
Lanlivery,  
Lostwithiel,  
Luxulion,  
Mevagissey,  
St. Mewan,  
St. Michael Carhaise,  
Roach,  
St. Sampson's,  
St. Stephen's in Brannel,  
and

Tywardreth,

together with all such part of the hundred of PYDAR as will not be included in the Western Division of the county of Cornwall next herein-after described ;

and that such Western Division shall include the whole of the respective hundreds of

KERRIER  
and  
PENWITH ;

all such part of the hundred of POWDER as will not be included in the Eastern Division of the county of Cornwall herein-before described ;

the following parishes in the hundred of PYDAR ; (that is to say,)

St. Agnes,

Crantock,

Cubert,

Newlyn,

St. Enoder,

and

Perranzabuloe,

and the SCILLY ISLANDS ;

and that the court for the election of knights of the shire shall be held for such Eastern Division at the borough of Bodmin, and for such Western Division at the borough of Truro. Courts for elections.

III. AND be it enacted, that the two divisions of the county of CUMBERLAND shall respectively be called the Eastern Division and the Western Division ; and that such Eastern Division shall include the whole of the several wards of Divisions of Cumberland.

CUMBERLAND,

ESKDALE,

and

LEATH ;

and that such Western Division shall include the whole of the respective wards of

ALLERDALE above DERWENT,

and

ALLERDALE below DERWENT ;

and that the court for the election of knights of the shire shall be held for such Eastern Division at the city of Carlisle, and for such Western Division at the borough of Cockermouth. Courts for elections.

IV. AND be it enacted, that the two divisions of the county of DERBY shall respectively be called the Northern Division and the Southern Division ; and that such Northern Division shall include the whole of the respective hundreds of Divisions of Derbyshire.

HIGH PEAK

and

SCARSDALE ;

and also so much of the wapentake of WIRKSWORTH, as by virtue of the order made at the quarter sessions of the peace for the county of Derby held at the borough of Derby on the twenty-eighth day of June one thousand eight hundred and thirty-one, is comprised in the Bakewell Division, as established by such order ;

and that such Southern Division shall include the whole of the several hundreds of

APPLETREE,

MORLESTON and LITCHURCH,

and

REPTON and GRESLEY ;

and all such parts of the wapentake of WIRKSWORTH as will not be included within the Northern Division of the county of Derby last herein-before described ;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Northern Division at the town of Bakewell, and for such Southern Division at the county hall in Derby.

Divisions of  
Devonshire.

V. AND be it enacted, that the two divisions of the county of DEVON shall respectively be called the Northern Division and the Southern Division ; and that such Northern Division shall include the whole of the several hundreds of

BAMPTON,  
BLACK TORRINGTON,  
BRAUNTON,  
CREDITON,  
FREMINGTON,  
HALBERTON,  
HARTLAND,  
HAYRIDGE,  
HEMYOCK,  
NORTH TAWTON and WINKLEIGH,  
SHEBBEAR,  
SHERWILL,  
SOUTH-MOLTON,  
TIVERTON,  
WITHERIDGE,  
and  
WEST BUDLEIGH ;

and that such Southern Division shall include the whole of the several hundreds of

AXMINSTER,  
CLYSTON,  
COLYTON,  
OTTERY ST. MARY,  
EAST BUDLEIGH,  
LIFTON,  
EXMINSTER,  
TEIGNBRIDGE,  
HAYTOR,  
COLERIDGE,  
STANBOROUGH,  
ERMINGTON,  
PLYMPTON,  
ROBOROUGH,  
and  
TAVISTOCK ;

and also the castle of EXETER ;

and the hundred of WONFORD, except such parts of that hundred as are included in the limits of the city of Exeter as herein-after described ;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Northern Division at the town of South-Molton, and for such Southern Division at the city of Exeter.

VI. AND be it enacted, that the two divisions of the county of DURHAM shall respectively be called the Northern Division and the Southern Division; and that such Northern Division shall include the whole of the respective wards of

CHESTER

and

EASINGTON;

and that such Southern Division shall include the whole of the respective wards of

DARLINGTON

and

STOCKTON;

and that the court for the election of knights of the shire shall be held for such Northern Division at the city of Durham, and for such Southern Division at the town of Darlington.

VII. AND be it enacted, that the two divisions of the county of ESSEX shall respectively be called the Northern Division and the Southern Division; and that such Northern Division shall include the whole of the several hundreds of

CLAVERING,

DUNMOW,

FRESHWELL,

HINCKFORD,

LEXDEN,

TENDRING,

THURSTABLE,

UTTLESFORD,

WINSTREE,

and

WITHAM;

and that such Southern Division shall include the whole of the several hundreds of

BARSTABLE,

BECONTREE,

CHAFFORD,

CHELMSFORD,

DENGIE,

HARLOW,

ONGAR,

ROCHFORD,

and

WALTHAM;

and of the liberty of HAVERING;

and that the court for the election of knights of the shire shall be held for such Northern Division at the town of Braintree, and for such Southern Division at the town of Chelmsford.

VIII. AND be it enacted, that the two divisions of the county of GLOUCESTER shall respectively be called the Eastern Division and the Western Division; and that such Eastern Division shall include the whole of the several hundreds of

CROWTHORNE and MINETY,  
 BRIGHTWELL'S BARROW,  
 BRADLEY,  
 RAPSGATE,  
 BISLEY,  
 LONGTREE,  
 WHITSTONE,  
 KIFTSGATE,  
 WESTMINSTER,  
 DEERHURST,  
 SLAUGHTER,  
 CHELTENHAM,  
 CLEEVE,  
 TIBALDSTON,  
 TEWKESBURY,  
 and

DUDSTONE and KING'S BARTON ;

and also the city and county of the city of GLOUCESTER ;

and the borough of CIRENCESTER ;

and that such Western Division shall include the whole of the several hundreds of

BERKLEY,  
 THORNBURY,  
 LANGLEY and SWINESHEAD,  
 GRUMBALD'S ASH,  
 PUCKLE CHURCH,  
 LANCASTER DUCHY,  
 BOTLOE,  
 ST. BRIARVEL'S,  
 WESTBURY,  
 and  
 BLIDESLOE ;

and the hundreds of HENBURY and BARTON REGIS, except such parts of those hundreds as are included in the limits of the city of Bristol as herein-after described ;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Eastern Division at the city of Gloucester, and for such Western Division at the town of Dursley.

Divisions of  
Hants.

IX. AND be it enacted, that the two divisions of the county of HANTS shall respectively be called the Northern Division and the Southern Division ; and that such Northern Division shall include the whole of the several now existing divisions of

ALTON,  
 ANDOVER,  
 BASINGSTOKE,  
 KING'S CLERE,  
 DROXFORD,  
 ODIHAM,

PETERSFIELD,  
and  
WINCHESTER,

as the same are now established by virtue of an order made by his Majesty's justices of the peace for the county of Hants at the Midsummer quarter sessions for the said county held at Winchester on the twenty-eighth day of June one thousand eight hundred and thirty-one; and also all such other places, if any, in the said county of Hants, as are locally situated within or are surrounded by the said sessional divisions or any of them, and are not mentioned in the said order;  
and that such Southern Division shall include the whole of the several now existing divisions of

FAREHAM,  
LYMINGTON,  
RINGWOOD,  
ROMSEY,  
and  
SOUTHAMPTON,

as the same are now established by the order aforesaid; and also all such other places, if any, in the said county of Hants, as are locally situated within or are surrounded by the said four last-mentioned sessional divisions of the said county or any of them, and are not mentioned in the said order;  
and also the town and county of the town of

SOUTHAMPTON;

and that the court for the election of knights of the shire shall be held for such Northern Division at the city of Winchester, and for such Southern Division at the borough of Southampton. Courts for elections.

X. AND be it enacted, that the two divisions of the county of KENT shall respectively be called the Eastern Division and the Western Division; and that such Eastern Division shall include the whole of the respective lathes of Divisions of Kent.

ST. AUGUSTINE

and

SHEPWAY,

including the liberty of ROMNEY MARSH,

and of the upper division of the lathe of SCRAY;

and that such Western Division shall include the whole of the respective lathes of

SUTTON-AT-HONE

and

AYLESFORD,

and of the lower division of the lathe of SCRAY;

and that the court for the election of knights of the shire shall be held for such Eastern Division at the city of Canterbury, and for such Western Division at the borough of Maidstone. Courts for elections.

XI. AND be it enacted, that the two divisions of the county of LANCASTER shall respectively be called the Northern Division and the Southern Division; Divisions of Lancashire.

and that such Northern Division shall include the whole of the several hundreds of

LONSDALE,  
AMOUNDERNESS,  
LEYLAND,  
and  
BLACKBURN;

and that such Southern Division shall include the whole of the respective hundreds of

SALFORD  
and  
WEST DERBY;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Northern Division at the borough of Lancaster, and for such Southern Division at the town of Newton.

Divisions of  
Leicestershire.

XII. AND be it enacted, that the two divisions of the county of LEICESTER shall respectively be called the Northern Division and the Southern Division; and that such Northern Division shall include the whole of the several hundreds of

WEST GOSCOTE,  
EAST GOSCOTE,  
and  
FRAMLAND;

and also those two detached portions of the hundred of GARTREE which are situated on the east of the hundred of EAST GOSCOTE;

and that such Southern Division shall include the whole of the several hundreds of

GARTREE (except as before mentioned),  
SPARKENHOE,  
and  
GUTHLAXTON;

and also the borough of LEICESTER and the liberties thereof;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Northern Division at the town of Loughborough, and for such Southern Division at the borough of Leicester.

Divisions of  
Norfolk.

XIII. AND be it enacted, that the two divisions of the county of NORFOLK shall respectively be called the Eastern Division and the Western Division; and that such Eastern Division shall include the whole of the several hundreds of

BLOFIELD,  
CLAVERING,  
DEPWADE,  
DISS,  
EARSHAM,  
NORTH ERPINGHAM,  
SOUTH ERPINGHAM,  
EYNESFORD,

EAST FLEGG,  
 WEST FLEGG,  
 FOREHOE,  
 HAPPING,  
 HENSTEAD,  
 HUMBLEYARD,  
 LODDON,  
 TAVERSHAM,  
 TUNSTEAD,  
 and

WALSHAM;

and that such Western Division shall include the whole of the several hundreds of

FREEBRIDGE MARSHLAND,  
 SMITHDON,  
 FREEBRIDGE LYNN,  
 CLACKCLOSE,  
 BROTHERCROSS,  
 GALLOW,  
 HOLT,  
 LAUNDITCH,  
 SOUTH GREENHOE,  
 GRIMSHOE,  
 NORTH GREENHOE,  
 WAYLAND,  
 SHROPHAM,  
 GILT CROSS,  
 and

MITFORD;

and that the court for the election of knights of the shire shall be held for such Eastern Division at the city of Norwich, and for such Western Division at the town of Swaffham. Courts for elections.

XIV. AND be it enacted, that the two divisions of the county of NORTHAMPTON shall respectively be called the Northern Division and the Southern Division; and that such Northern Division shall include the whole of the Divisions of Northamptonshire.

Liberty of PETERBOROUGH,  
 and of the several hundreds of

WILLYBROOK,  
 POLEBROOK,  
 HUXLOE,  
 NAVISFORD,  
 CORBY,  
 HIGHAM FERRERS,  
 ROTHWELL,  
 HAMFORDSHOE,  
 and

ORLINGBURY;

and that such Southern Division shall include the whole of the several hundreds of

KINGS SUTTON,



CHIPPING WARDEN,  
 GREENS NORTON,  
 CLELEY,  
 TOWCESTER,  
 FAWSLEY,  
 WYMERSLEY,  
 SPELHOE,  
 NOBOTTLE GROVE,  
 and

GUILSBOROUGH ;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Northern Division at the town of Kettering, and for such Southern Division at the borough of Northampton.

Divisions of  
Northumber-  
land.

XV. AND be it enacted, that the two divisions of the county of NORTHUMBERLAND shall respectively be called the Northern Division and the Southern Division ; and that such Northern Division shall include the whole of the several wards of

BAMBOROUGH,  
 COQUETDALE,  
 GLENDALE,  
 and

MORPETH,

and of the BERWICK BOUNDS ;

and that such Southern Division shall include the whole of the respective wards of

TYNEDALE,  
 and

CASTLE,

and also the town and county of the town of

NEWCASTLE-UPON-TYNE ;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Northern Division at the town of Alnwick, and for such Southern Division at the town of Hexham.

Divisions of  
Nottingham-  
shire.

XVI. AND be it enacted, that the two divisions of the county of NOTTINGHAM shall respectively be called the Northern Division and the Southern Division ; and that such Northern Division shall include the whole of the respective hundreds of

BASSETLAW  
 and

BROXSTOW ;

and that such Southern Division shall include the whole of the several hundreds of

RUSHCLIFFE,  
 BINGHAM,  
 NEWARK,  
 and

THURGARTON ;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Northern Division at the town of Mansfield, and for such Southern Division at the borough of Newark.

XVII. AND be it enacted, that the two divisions of the county of SALOP shall respectively be called the Northern Division and the Southern Division; and that such Northern Division shall include the whole of the several hundreds of

Divisions of  
Salop.

OSWESTRY,  
PIMHILL,  
NORTH BRADFORD,  
and

SOUTH BRADFORD,  
and of the liberty of

SHREWSBURY;

and that such Southern Division shall include the whole of the several hundreds of

BRIMSTREY,  
CHIRBURY,  
CONDOVER,  
FORD,  
MUNSLOW,  
OVERS,  
PURSLOW, including CLUN,  
and

STODDESDON,  
and of the franchise of  
WENLOCK;

and that the court for the election of knights of the shire shall be held for such Northern Division at the borough of Shrewsbury, and for such Southern Division at the town of Church Stretton.

Courts for  
elections.

XVIII. AND be it enacted, that the two divisions of the county of SOMERSET shall respectively be called the Eastern Division and the Western Division; and that such Eastern Division shall include the whole of the several hundreds or liberties of

Divisions of  
Somersetshire.

BATH FORUM,  
BEMPSTONE,  
BRENT and WRINGTON,  
BRUTON,  
CATSASH,  
CHEW and CHEWTON,  
NORTON FERRIS,  
FROME,  
GLASTON TWELVE HIDES,  
HAMPTON and CLAVERTON,  
HORETHORNE,  
KEYNSHAM,  
KILMERSDON,  
MELLS and LEIGH,  
PORTBURY,  
WELLOW,  
WELLS FORUM,  
WHITSTONE,

WINTERSTOKE,  
and  
WITHAM FRIARY;  
and also the Hundred of HARTCLIFFE with BEDMINSTER, except  
such parts of that hundred as are included in the limits of the  
city of Bristol as herein-after described;  
and that such Western Division shall include the whole of the several  
hundreds of

ABDICK and BULSTONE,  
ANDERSFIELD,  
CANNINGTON,  
CARHAMPTON,  
CREWKERNE,  
NORTH CURRY,  
HOUNSBOROUGH, BERWICK, and COKER,  
HUNTSPILL and PURITON,  
KINGSBURY, EAST,  
KINGSBURY, WEST,  
MARTOCK,  
MILVERTON,  
NORTH PETHERTON,  
SOUTH PETHERTON,  
PITNEY,  
SOMERTON,  
STONE,  
TAUNTON and TAUNTON DEAN,  
TINTINHULL,  
WHITLEY,  
and  
WILLITON and FREEMANORS;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for  
such Eastern Division at the city of Wells, and for such Western Division at  
the borough of Taunton.

Divisions of  
Staffordshire.

XIX. AND be it enacted, that the two divisions of the county of STAFFORD  
shall respectively be called the Northern Division and the Southern Division;  
and that such Northern Division shall include the whole of the several  
hundreds of

PIREHILL,  
TOTMONSLOW,  
and  
NORTH OFFLOW;

and that such Southern Division shall include the whole of the respective  
hundreds of

SOUTH OFFLOW,  
SEISDON,  
and  
CUTTLESTONE;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for  
such Northern Division at the borough of Stafford, and for such Southern  
Division at the city of Lichfield.

XX. AND be it enacted, that the two divisions of the county of **SUFFOLK** Divisions of Suffolk. shall respectively be called the Eastern Division and the Western Division ; and that such Western Division shall include the whole of the

Liberty of **BURY ST. EDMUND'S**,  
and of the respective hundreds of

**HARTESMERE**

and

**STOW ;**

and that such Eastern Division shall include

all such parts of the county of Suffolk as are not comprised in the liberty of Bury St. Edmund's, or in either of the hundreds of Hartesmere and Stow ;

and that the court for the election of knights of the shire shall be held for such Western Division at the borough of Bury St. Edmund's, and for such Eastern Division at the borough of Ipswich. Courts for elections.

XXI. AND be it enacted, that the two divisions of the county of **SURREY** Divisions of Surrey. shall respectively be called the Eastern Division and the Western Division ; and that such Eastern Division shall include the whole of the several hundreds of

**BRIXTON,**

**KINGSTON,**

**REIGATE,**

**TANDRIDGE,**

and

**WALLINGTON ;**

and that such Western Division shall include the whole of the several hundreds of

**BLACKHEATH,**

**COPTHORNE,**

**EFFINGHAM,**

**ELMBRIDGE,**

**FARNHAM,**

**GODALMING,**

**GODLEY and CHERTSEY,**

**WOKING,**

and

**WOTTON ;**

and that the court for the election of knights of the shire shall be held for such Eastern Division at the town of Croydon, and for such Western Division at the borough of Guildford. Courts for elections.

XXII. AND be it enacted, that the two divisions of the county of **SUSSEX** Divisions of Sussex. shall respectively be called the Eastern Division and the Western Division ; and that such Eastern Division shall include the whole of the several rapes of

**LEWES,**

**HASTINGS,**

and

**PEVENSEY ;**

and that such Western Division shall include the whole of the several rapes of **ARUNDEL,**

BRAMBER,  
and  
CHICHESTER ;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Eastern Division at the borough of Lewes, and for such Western Division at the city of Chichester.

Divisions of  
Warwickshire.

XXIII. AND be it enacted, that the two divisions of the county of WARWICK shall respectively be called the Northern Division and the Southern Division ; and that such Northern Division shall include the whole of the hundred of

HEMLINGFORD,  
and of the county of the city of

COVENTRY,  
and the RUGBY DIVISION,  
and the KIRBY DIVISION of the hundred of KNIGHTLOW ;

and that such Southern Division shall include the whole of the respective hundreds of

BARLICHWAY,  
and

KINGTON,  
and the KENILWORTH DIVISION,  
and the SOUTHAM DIVISION of the hundred of KNIGHTLOW ;

Courts for  
elections.

and that the court for the election of knights of the shire shall be held for such Northern Division at the town of Coleshill, and for such Southern Division at the borough of Warwick.

Divisions of  
Wilts.

XXIV. AND be it enacted, that the two divisions of the county of WILTS shall respectively be called the Northern Division and the Southern Division ; and that such Northern Division shall include the whole of the several hundreds of

CHIPPENHAM,  
NORTH DAMERHAM,  
BRADFORD,  
MELKSHAM,  
POTTERNE and CANNINGS,  
CALNE,  
SELKLEY,  
RAMSBURY,  
WHORWELSDOWN,  
SWANBOROUGH,  
HIGHWORTH, CRICKLADE, and STAPLE,  
KINGSBRIDGE,  
and

MALMSBURY ;

and that such Southern Division shall include the whole of the several hundreds of

KINWARDSTONE,  
HEYTESBURY,  
BRANCH and DOLE,  
ELSTUB and EVERLEY,  
AMESBURY,

WARMINSTER,  
 MERE,  
 SOUTH DAMERHAM,  
 DOWNTON,  
 CHALK,  
 DUNWORTH,  
 CAWDEN and CADWORTH,  
 FRUSTFIELD,  
 ALDERBURY,  
 UNDERDITCH,  
 and

WESTBURY ;

and that the court for the election of knights of the shire shall be held for such Northern Division at the borough of Devizes, and for such Southern Division at the city of Salisbury. Courts for elections.

XXV. AND be it enacted, that the two divisions of the county of WORCESTER shall respectively be called the Eastern Division and the Western Division ; and that such Eastern Division shall include the whole of the several now existing divisions of Divisions of Worcester-shire.

STOURBRIDGE,  
 DUDLEY,  
 DROITWICH,  
 NORTHFIELD,  
 BLOCKLEY,  
 and  
 PERSHORE,

as the same are established by an order made by his Majesty's justices of the peace for the county of Worcester at the Epiphany quarter sessions for the year one thousand eight hundred and thirty-one ;

and also the borough of EVESHAM ; and also all such other places, if any, in the said county of Worcester, as are locally situated within or are surrounded by the herein-before mentioned sessional divisions thereof, or any of them, and are not mentioned in the said order ;

and that such Western Division shall include the whole of the several now existing divisions of

UPTON,  
 WORCESTER,  
 HUNDRED HOUSE,  
 and  
 KIDDERMINSTER,

as the same are established by the last-mentioned order ;

and also the city and county of the city of WORCESTER ; and also all such other places, if any, in the said county of Worcester, as are locally situated within or are surrounded by the four lastly herein-before mentioned sessional divisions thereof, or any of them, and are not mentioned in the said order ;

and that the court for the election of knights of the shire shall be held for such Eastern Division at the borough of Droitwich, and for such Western Division at the city of Worcester. Courts for elections.

Provision for detached parts of counties.

XXVI. AND be it enacted, that the isolated parts of counties in England and Wales which are described in the schedule to this Act annexed marked (M.) shall, as to the election of members to serve in Parliament as knights of the shire, be considered as forming parts of the respective counties and divisions which are respectively mentioned in the fourth column of the said schedule (M.) in conjunction with the names of such isolated parts respectively; and that every part of any county in England or Wales which is detached from the main body of such county, but for which no special provision is hereby made, shall be considered, for the purposes of the election of members to serve in Parliament as knights of the shire, as forming part of that county (not being a county corporate), and of that division, riding, or parts, whereby such detached part shall be surrounded; but if any such detached part shall be surrounded by two or more counties, or divisions, ridings, or parts, then as forming part of that county, or division, riding, or parts, with which such detached part shall have the longest common boundary.

Provision for detached parts of hundreds, &c.

XXVII. AND be it further enacted, that as respects the counties of York and Lincoln, and also the counties herein-before divided, except the counties of Hants and Worcester, every portion of any hundred, ward, wapentake, rape, lathe, or liberty of any such county, which is detached from the main body of such hundred, ward, wapentake, rape, lathe, or liberty, and is also locally separated from that division of the county to which such main body is to belong under the provisions contained in this Act or in the herein-before recited Act, but which is not subject to the provisions lastly herein-before contained, shall, for the purpose of the election of members to serve in Parliament as knights of the shire, be considered as forming part of that division, parts, or riding of the same county by which such detached portion is surrounded or to which it adjoins.

Provision for liberties, &c.

XXVIII. AND be it enacted, that all liberties, franchises, and places having a separate jurisdiction, which are not herein-before expressly mentioned, (except the several cities and towns, and counties thereof respectively, of Bristol, Exeter, Lichfield, Norwich, and Nottingham, and except the several places by this Act comprised within the boundaries thereof respectively,) shall, as to the election of members to serve in Parliament as knights of the shire, respectively be considered as included within the respective divisions hereby established in which such liberties, franchises, and places having a separate jurisdiction shall be locally situated.

\* \* \* \* \*

Election or poll may take place at places in the neighbourhood of those named in this Act.

[XXXIV.] AND be it enacted, that, if it shall seem fit to the sheriff, the court for the election of knights of the shire may be held, or the poll may be taken, at any place or spot in the neighbourhood of any place appointed by this Act for holding such court or taking such poll respectively, at which such court or poll may have heretofore been held or taken, or which may be convenient for either of those purposes; any thing herein contained notwithstanding.

2 & 3 Will. 4. c. 45.

XXXV. AND whereas by the Act herein-before recited it is also provided that each of the places enumerated in the schedules thereto annexed respec-

[<sup>a</sup> So much of section 34 as relates to taking the poll, rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

tively marked (C.), (D.), and (E.), and that every city and borough in England which before the passing of the said recited Act was entitled to return a member or members to serve in Parliament, (except the several boroughs enumerated in the schedule thereto annexed marked (A.), and except the several boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford,) and that the borough of Brecon, and each of the towns of Swansea, Loughor, Neath, Aberavon, and Kenfig, should, for the purposes of the said recited Act, include the place or places respectively which should be comprehended within such boundaries as should be settled and described by an Act to be passed for that purpose in this present Parliament, which Act when passed should be deemed and taken to be part of the said recited Act as fully and effectually as if incorporated therewith: And whereas the Act so to be passed for settling and describing the boundaries of cities, boroughs, and places, as in the said recited Act is mentioned, is this present Act: And whereas the several cities, boroughs, and places whereof the boundaries were so to be settled and described as in the said recited Act is mentioned are the several cities, boroughs, and places which are specified in the schedule to this Act annexed marked (O.): Be it therefore further enacted and declared, that the several cities, boroughs, and places specified in the said schedule to this Act annexed (marked O.) shall, as to the election of members or a member to serve in Parliament, respectively include the places and be comprised within the boundaries which in such schedule are respectively specified and described in conjunction with the names of such cities, boroughs, and places respectively.

The cities, boroughs, and places in schedule (O.) to this Act shall for election of members of Parliament include the places and be comprised within the boundaries mentioned in such schedule.

XXXVI. AND be it enacted, that, subject to any direction to the contrary, the following rules shall be observed in the construction of the several descriptions of boundaries contained in the said schedule hereto annexed (marked O.); (that is to say,)

Rules for the construction of the descriptions contained in schedule (O.) to this Act.

- 1.—That the words “northward,” “southward,” “eastward,” “westward,” shall respectively be understood to denote only the general direction in which any boundary proceeds from the point last described, and not that such boundary shall continue to proceed throughout in the same direction to the point next described:
- 2.—That when any road is mentioned merely by the name of the place to which such road leads, the principal road thither from the city, borough, or place of which the boundary is in course of description shall be understood:
- 3.—That whenever a line is said to be drawn from, to, or through an object, such line shall, in the absence of any direction to the contrary, be understood to be drawn from, to, or through the centre of such object, as nearly as the centre thereof can be ascertained:
- 4.—That every building through which or through any part whereof any boundary hereby established shall pass shall be considered as within such boundary: Provided always, that if the boundaries of any two or more of the cities, boroughs, and places, whereof the contents and boundaries are hereby settled and described, shall pass through the same building or any part thereof, such building shall be considered as within that one of such two or more of the said cities, boroughs, and places which was before the passing of the herein-before recited Act entitled to return members or a member to serve in Parliament, or if



neither or more than one of such two or more of the said cities, boroughs, and places shall have been so entitled, then within that one of them whereof the area as hereby established is the smallest :

- 5.—That whenever any boundary by this Act established is said to pass along any other boundary, or along any road, lane, path, river, stream, canal, drain, brook, or ditch, the middle (as nearly as the same can be ascertained) of such other boundary, or of such road, lane, path, river, stream, canal, drain, brook, or ditch, shall be understood :
- 6.—That the middle of any road or lane shall be understood as the middle of the carriageway along the same :
- 7.—That when any boundary by this Act established is said to proceed along a road, lane, path, river, stream, canal, or drain, from or to an object, such boundary shall be understood to proceed from or to that point in the middle of such road, lane, path, river, stream, canal, or drain from which the shortest line would be drawn to the centre of such object, as nearly as the centre thereof can be ascertained :
- 8.—That the point at which any fence, hedge, wall, boundary, road, lane, path, river, stream, canal, drain, brook, or ditch is said to cut, meet, join, cross, reach, or leave any fence, hedge, wall, boundary, road, lane, path, river, stream, canal, drain, brook, or ditch, shall be understood as that point at which a line passing along the middle of the fence, hedge, wall, boundary, road, lane, path, river, stream, canal, drain, brook, or ditch, so cut, met, joined, crossed, reached, or left, would be intersected by a line drawn along the middle of the fence, hedge, wall, boundary, road, lane, path, river, stream, canal, drain, brook, or ditch so cutting, meeting, joining, crossing, reaching, or leaving, if such line were prolonged sufficiently far :
- 9.—That when a line is said to be drawn to a road, lane, river, stream, or canal, such line shall be considered as prolonged to the middle of such road, lane, river, stream, or canal :
- 10.—That by the words “ sea ” and “ sea coast ” shall be understood the low-water mark :
- 11.—That if any deficiency shall be found to exist in the line of any boundary described in the said schedule to this Act annexed marked (O.), by reason of the intervention of any space between any two immediately consecutive points, such deficiency shall be supplied by a straight line to be drawn from the one to the other of such two immediately consecutive points.

Provision as to  
detached parts  
of parishes,  
&c.

XXXVII. AND be it further enacted, that notwithstanding the generality of any description contained in the said schedule to this Act annexed marked (O.), no city, borough, or place, the contents whereof are specified in such schedule, shall include any part of any parish, township, hamlet, chapelry, tithing, manor, or liberty which is detached from the main body of such parish, township, hamlet, chapelry, tithing, manor, or liberty, if, by reason of including such detached part, the boundary hereby established of such city, borough, or place would not be continuous, unless such detached part shall, before the passing of this Act, have formed part of such city, borough, or place for the purpose of the election of members to serve in Parliament ; but that all places, parochial or extra-parochial, which are surrounded by the contents of

which any city, borough, or place is said in such schedule marked (O.) to consist, but for which no provision is made in such schedule (O.), shall be considered as included within such city, borough, or place, for the purpose of the election of members to serve in Parliament.

XXXVIII. PROVIDED always, and be it enacted, that no misnomer or inaccurate description contained in this Act, or in any of the schedules hereto annexed, shall in anywise prevent or abridge the operation of this Act with respect to the subject of such description, provided the same shall be so designated as to be commonly understood; and that for the purpose of identifying the descriptions contained in the said schedule (O.) with the subjects of such descriptions respectively, such descriptions shall, if now inapplicable, be held to apply to such subjects as they existed on the first day of October one thousand eight hundred and thirty-one.

Misnomer not to preclude operation of Act, and the descriptions in schedule (O.) to be held in certain cases to apply to the subjects as they existed on 1st Oct. 1831.

\* \* \* \* \*

### SCHEDULES to which the foregoing Act refers.

#### SCHEDULE (M.)

Counties to which the isolated Parts belong.	Parishes, Townships, &c. of which, or of Parts of which, the isolated Parts consist.	Counties in which the isolated Parts are locally situate.	Counties and Divisions to which it is intended that the isolated Parts should be annexed.
<b>ENGLAND.</b>			
Bedfordshire - -	Part of Studham parish, partly in Beachwood Park in the county of Hertford.	Hertfordshire - -	Hertfordshire.
Bedfordshire - -	Part of Ickleford parish -	Hertfordshire - -	Hertfordshire.
Berkshire - - -	Part of Great Barrington parish	Gloucestershire - -	Gloucestershire, eastern division.
Berkshire - - -	Part of Inglesham parish -	Wiltshire - - -	Wiltshire, northern division.
Berkshire - - -	Part of Langford parish -	Oxfordshire - - -	Oxfordshire.
Berkshire - - -	Little Farrington tithing -	Oxfordshire - - -	Oxfordshire.
Berkshire - - -	Part of Shilton parish -	Oxfordshire - - -	Oxfordshire.
Buckinghamshire	Studley parish or hamlet in the parish of Beckley.	Oxfordshire - - -	Oxfordshire.
Buckinghamshire	Caversfield parish - -	Oxfordshire - - -	Oxfordshire.
Buckinghamshire	Part of Luffield Abbey, an extra-parochial place.	Northamptonshire - -	Northamptonshire, southern division.
Cheshire - - -	Part of Disley township, situate on the Derbyshire side of the river Goyt.	Derbyshire - - -	Cheshire, northern division.
Cornwall - - -	A small part of the parish of St. Stephen by Saltash, on the eastern side of the river Tamar. <sup>1</sup>	Either in Devonshire or Cornwall.	Devonshire, southern division.
Cornwall - - -	Part of North Tamerton parish, east of the Tamar.	Either in Devonshire or Cornwall.	Cornwall, eastern division.
Derbyshire - -	A portion of Derbyshire, consisting of the parishes and places following; i.e.,	Leicestershire - -	Derbyshire, southern division.
	Measham - - -		
	Stretton in the Fields - -		
	Willesley - - -		
	Part of Appleby - - -		
Derbyshire - -	Oakthorpe - - -	Leicestershire - -	Derbyshire, southern division.
	Chilcote - - -		
	Part of Donisthorpe - -		
Derbyshire - -	Part of the parish of Ravenstone.	Leicestershire - -	Derbyshire, southern division.

Counties to which the isolated Parts belong.	Parishes, Townships, &c. of which, or of Parts of which, the isolated Parts consist.	Counties in which the isolated Parts are locally situate.	Counties and Divisions to which it is intended that the isolated Parts should be annexed.
Derbyshire - -	Part of the township of Packington.	Leicestershire - -	Derbyshire, southern division.
Derbyshire - -	Part of Scropton township -	Staffordshire - -	Staffordshire, northern division.
Derbyshire - -	Part of Beard township, on the Cheshire side of the river Goyt.	Derbyshire or Cheshire.	Derbyshire, northern division.
Devonshire - -	Thorncomb parish - -	Dorsetshire - -	Dorsetshire.
Devonshire - -	Part of Axminster parish, namely, Burhall Downs and Easthay.	Dorsetshire - -	Dorsetshire.
Devonshire - -	Part of the parish of Saint John.	Cornwall - -	Cornwall, eastern division.
Devonshire - -	North Petherwin parish -	Cornwall - -	Devonshire, northern division.
Devonshire - -	Part of Werrington parish, west of the Tamar.	Cornwall or Devonshire.	Devonshire, northern division.
Devonshire - -	Part of the hamlet of Northcote, west of the Tamar.	Cornwall or Devonshire.	Devonshire, northern division.
Devonshire - -	Part of Bridgerule parish, west of the Tamar.	Cornwall or Devon -	Devonshire, northern division.
Devonshire - -	Part of Maker parish in the tithing of Vaultersholme.	Cornwall - -	Cornwall, eastern division.
Dorsetshire - -	Stockland parish - -	Devonshire - -	Devonshire, southern division.
Dorsetshire - -	Dallwood township - -	Devonshire - -	Devonshire, southern division.
Durham - - -	The district of Northhamshire -	Northumberland -	Northumberland, northern division.
Durham - - -	The district of Islandshire, including the Farne Islands and Monkhouse.	Northumberland -	Northumberland, northern division.
Durham - - -	The parish of Bedlington or Bedlingtonshire.	Northumberland -	Northumberland, northern division.
Durham - - -	The parish of Craike or Craike-shire.	North Riding of Yorkshire.	North Riding of Yorkshire.
Gloucestershire -	Minety parish - -	Wiltshire - -	Wiltshire, northern division.
Gloucestershire -	Widford parish - -	Oxfordshire - -	Oxfordshire.
Gloucestershire -	Compton Parva parish -	Warwickshire - -	Warwickshire, southern division.
Gloucestershire -	Sutton-under-Brails parish -	Warwickshire -	Warwickshire, southern division.
Gloucestershire -	Shennington parish - -	Oxfordshire - -	Oxfordshire.
Gloucestershire -	Part of Lea parish - -	Herefordshire -	Herefordshire.
Herefordshire -	Farloe chapelry - -	Shropshire - -	Shropshire, southern division.
Herefordshire -	Rochford parish - -	Worcestershire -	Worcestershire, western division.
Herefordshire -	Foothog township - -	Between Monmouthshire and Breconshire.	Herefordshire.
Herefordshire -	Litton and Cascob township -	Radnorshire - -	Radnorshire.
Herefordshire -	Bwlch hamlet - -	Monmouthshire -	Monmouthshire.
Herefordshire -	Part of the parish of Trellick -	Monmouthshire -	Monmouthshire.
Hertfordshire -	Part of Coleshill hamlet -	Buckinghamshire -	Buckinghamshire.
Hertfordshire -	Part of Meppershall parish -	Bedfordshire - -	Bedfordshire.
Huntingdonshire -	Part of Catworth township -	Northamptonshire -	Northamptonshire, northern division.
Huntingdonshire -	Swineshead parish - -	Bedfordshire - -	Huntingdonshire.
Huntingdonshire -	Part of Everton parish -	Between Bedfordshire and Cambridgeshire.	Huntingdonshire.
Kent - - -	Part of Woolwich parish, north of the Thames.	Kent or Essex - -	Kent, western division.
Monmouthshire -	Welsh Bicknor parish - -	Herefordshire - -	Herefordshire.
Oxfordshire - -	Boycot township - -	Buckinghamshire -	Buckinghamshire.
Oxfordshire - -	Lillingstone Lovell parish -	Buckinghamshire -	Buckinghamshire.
Oxfordshire - -	Hackhampstead chapelry -	Buckinghamshire -	Buckinghamshire.

Counties to which the isolated Parts belong.	Parishes, Townships, &c. of which, or of Parts of which, the isolated Parts consist.	Counties in which the isolated Parts are locally situate.	Counties and Divisions to which it is intended that the isolated Parts should be annexed.
Oxfordshire - -	Great Lemhill Farm, part of Broughton Poggs parish.	Gloucestershire -	Gloucestershire, eastern division.
Shropshire - -	Part of Hales Owen parish -	Bounded by Worcestershire and Staffordshire.	Worcestershire, eastern division.
Somersetshire - -	Holwell parish, including Buckshaw tithing.	Dorsetshire - -	Dorsetshire.
Hampshire - -	North Ambersham and South Ambersham tithings in the parish of Steep.	Sussex - - -	Sussex, western division.
Staffordshire - -	Broom parish - -	Worcestershire -	Worcestershire, eastern division.
Staffordshire - -	Clent parish - - -	Worcestershire -	Worcestershire, eastern division.
Sussex - - -	Part of Rogate tithing, being a farm called Rogate Bohunt Farm.	Hampshire - -	Hampshire, northern division.
Warwickshire - -	Tutnal and Cobley hamlet -	Worcestershire -	Worcestershire, eastern division.
Warwickshire -	<div> <div> Stretton upon Foss parish  Ilmington parish  Compton Scorpion hamlet  Whitchurch parish  Ditchford hamlet </div> </div>	Between parts of Worcestershire and Gloucestershire.	Warwickshire, southern division.
Wiltshire - - -	Part of Wokingham parish -	Berkshire - - -	Berkshire.
Wiltshire - - -	Hinton tithing in Hurst parish	Berkshire - - -	Berkshire.
Wiltshire - - -	Didnam tithing in Shinfield parish.	Berkshire - - -	Berkshire.
Wiltshire - - -	Swallowfield parish - -	Berkshire - - -	Berkshire.
Wiltshire - - -	Kingswood parish - - -	Gloucestershire -	Gloucestershire, western division.
Wiltshire - - -	Poulton parish - - -	Gloucestershire -	Gloucestershire, eastern division.
Worcestershire -	<div> <div> Aldermanston parish -  Tredington parish, including the following hamlets:  Arinscot - - -  Blackwell - - -  Newbold and Tolton -  Darlingscote and Longdon -  Shipston on Stour parish -  Tidmington chapelry -  Evenlode parish -  Blockley parish, including the following hamlets:  Northwich - - -  Paxford - - -  Draycott - - -  Dorne - - -  Ditchford - - -  Aston Magna - - -  Cutsdean or Cuddesden chapelry - - - </div> </div>	Between Gloucestershire and Warwickshire.	Worcestershire, eastern division.
Worcestershire -	Iccomb parish - - -	Between Gloucestershire and Oxfordshire.	Gloucestershire, eastern division.
Worcestershire -	Dailsford parish - - -	Oxfordshire - - -	Worcestershire, eastern division.
Worcestershire -	Oldborough parish - - -	Warwickshire - -	Worcestershire, eastern division.
Worcestershire -	Dudley parish - - -	Staffordshire - -	Worcestershire, eastern division.
Worcestershire -	Edvin Loach parish - -	Herefordshire - -	Worcestershire, eastern division.
Worcestershire -	Warley Wigorn township -	Between parts of Staffordshire and Shropshire.	Worcestershire, eastern division.

Counties to which the isolated Parts belong.	Parishes, Townships, &c. of which, or of Parts of which, the isolated Parts consist.	Counties in which the isolated Parts are locally situate.	Counties and Divisions to which it is intended that the isolated Parts should be annexed.
<b>WALES.</b>			
Carnarvonshire -	The hundred of Creyddyn, Eirias township or hamlet.	Denbighshire -	Carnarvonshire.
Carnarvonshire -	Maenan -	Denbighshire -	Carnarvonshire.
Denbighshire -	Carreghovah township -	Between Shropshire and Montgomeryshire.	Montgomeryshire.
	Part of the hundred of Maylor, consisting of the following parishes, townships, or places, or of parts thereof respectively; namely, Overton Foreign and Overton Villa - - -		
	Knolton - - -		
	Bangor - - -		
Flintshire -	Erbistock - - -	Bounded by the counties of Salop, Chester, and Denbigh.	Flintshire.
	Worthenbury - - -		
	Abenbury Vechan - - -		
	Hanner - - -		
	Halghton - - -		
	Willington - - -		
	Iscoed - - -		
	Bettisfield - - -		
	Tybroughton - - -		
	Penley - - -		
	Bronington - - -		
	Sundry other small plots of land in the following townships respectively; namely, Overton Villa - - -		
Flintshire -	Overton Foreign - - -	Denbighshire -	Flintshire.
	Bangor - - -		
	Worthenbury - - -		
	Sutton - - -		
Flintshire -	Parts of Marford and Hoseley townships.	Denbighshire -	Flintshire.
Flintshire -	Part of Hawarden township -	Cheshire -	Flintshire.
Glamorganshire -	Flat Holmes - - -	In the Bristol Channel.	Glamorganshire.
Glamorganshire -	Barry Island - - -	In the Bristol Channel.	Glamorganshire.
Brecknockshire -	Part of Glasbury parish -	Brecknockshire or Radnorshire.	Brecknockshire.

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### SCHEDULE (O.)

#### 1.—COUNTY OF BEDFORD.

BEDFORD - - The old borough of Bedford.

#### 2.—COUNTY OF BERKS.

ABINGDON. - - The old borough of Abingdon.

READING. - - The old borough of Reading.

## WALLINGFORD.

The old borough of Wallingford; the several parishes of Brightwell, Sotwell, North Moreton, South Moreton, Bensington, Crowmarsh, and Newnham Murren; the liberty of Olapcot, and the extra-parochial precinct of the castle; and also all such parts of the several parishes of Cholsey, Aston Tirrel, and Aston Upthorpe as are situate on that side of the line next herein-after described, on which the town of Wallingford lies; (that is to say,)

From Blewberry, along the road called "The Ick-nield Way," to the point on King's Standing hill at which the same meets the boundary of the parish of Cholsey; thence, eastward, along the boundary of the parish of Cholsey to the point at which the same reaches the river Thames.

## NEW WINDSOR.

The old borough of New Windsor, the lower ward of the castle, and so much of the parish of Clewer as is situated to the east of the following boundary; (that is to say,)

From the point at which the Goswell ditch joins the river Thames, along the Goswell ditch to the point at which the same meets Clewer lane; thence, westward, along Clewer lane to a point twenty-five yards distant from the point last described; thence in a straight line to the north-western corner of the enclosure wall of the cavalry barracks; thence along the western enclosure wall of the cavalry barracks to the point at which the same cuts the boundary of the parish of New Windsor.

## 3.—COUNTY OF BUCKINGHAM.

## BUCKINGHAM.

The several parishes of Buckingham, Maidsorton, Thornborough, Padbury, Hillesden, Preston Bissett, Tingewick, and Radclive-cum-Chackmore.

## GREAT MARLOW.

The several parishes of Great Marlow, Little Marlow, Medmenham, and Bisham.

CHIPPING  
WYCOMBE.

The parish of Chipping Wycombe.

## 4.—COUNTY OF CAMBRIDGE.

## CAMBRIDGE.

The old borough of Cambridge.

## 5.—COUNTY OF CHESTER.

## NORTHERN DIVISION.

From the point at which the boundary of the borough of Macclesfield meets the Leek road near Moss pool,

## MACCLESFIELD.

southward, along the Leek road to the bridge over the Macclesfield canal; thence, eastward, along the Macclesfield canal to the point at which the same meets the boundary of the borough; thence, eastward, along the boundary of the borough to the point at which the same is again met by the Macclesfield canal; thence, northward, along the Macclesfield canal to the point at which the same crosses Shore's Clough brook; thence, westward, along Shore's Clough brook to the point at which the same meets the boundary of the township of Hurdsfield; thence, southward, along the boundary of the township of Hurdsfield to the point at which the same meets the boundary of the borough of Macclesfield; thence, westward, along the boundary of the borough of Macclesfield to the point first described.

The township of Stockport, and the respective hamlets of Brinksway and Edgeley, together with those parts of the respective townships of Brinnington and Heaton Norris which are included within the following boundaries respectively; (that is to say,)

## STOCKPORT.

BRINNINGTON.—From the point at which the boundary of the township of Stockport would be cut by a straight line to be drawn from the bridge over the river Mersey on the Bredbury and Hyde road to the corn mill in the township of Heaton Norris, between the Manchester and Stockport canal and the Reddish road, and now in the occupation of Mr. Walmsley, along such straight line to the point at which the same cuts the river Tame; thence along the river Tame to the point at which the same meets the boundary of the township of Stockport; thence, eastward, along the boundary of the township of Stockport to the point first described.

HEATON NORRIS.—From the point at which the boundary of the township of Heaton Norris meets the Manchester road, between a public-house called the Ash, and Danby lane, along the Manchester road to the point at which the same meets Danby lane; thence along Danby lane to the point at which the same is cut by a straight line drawn thereto from the first mile stone on the Altringham road through the western angle of the public-house called the Heaton Norris club house; thence along the said straight lane to the point at which the same meets the southern boundary of the township of Heaton Norris; thence, eastward, along the boundary of the township of Heaton Norris to the point first described.

## SOUTHERN DIVISION.

The old city of Chester, and also the space included within the following boundary; (that is to say.)

CHESTER.

From the second city boundary stone in Boughton Ford mead, and on the eastern bank of the river Dee, in a straight line to the western extremity of a lane which leads from Stock lane to Boughton heath; thence in a straight line to the southern extremity of Heath lane; thence along Heath lane to the point at which the same joins the Christleton road; thence along the Christleton road to the point at which the same is joined by New lane; thence along New lane to the point at which the same meets Filkin lane; thence along Filkin lane to the point at which the same joins, at Asp Tree turnpike gate, the Tarvin road; thence along the Tarvin road to Tarvin bridge; thence along the Nantwich canal to the point at which the same meets the old city boundary; thence, southward, along the old city boundary to the second city boundary stone aforesaid.

## 6.—COUNTY OF CORNWALL.

## EASTERN DIVISION.

BODMIN.

The several parishes of Bodmin, Lanivet, Lanhydrock, and Helland.

LAUNCESTON.

The old borough of Launceston and the parish of St. Stephen, and all such parts of the several parishes of Lawhitton, St. Thomas the Apostle, and South Petherwin as are without the old borough of Launceston.

LISKEARD.

The parish of Liskeard, and also all such parts of the old borough of Liskeard as are without the parish of Liskeard.

## WESTERN DIVISION.

HELSTON.

The old borough of Helstone, the parish of Sithney, and also the space included within the following boundary; that is to say,

From Coverack bridge, over the river Loo, in a straight line across the Wendron road to the western extremity of a lane leading by Wheal Ann to Graham mine; thence along the said lane to the point at which the same meets a small stream; thence, southward, along the said stream to the point at which the same meets a lane leading from Wendron to Trecoose and Constantine; thence, eastward, along the said lane to Trecoose and Constantine, to the point at which the same meets the boundary of the parish of Wendron; thence, southward, along the boundary of the parish of Wendron to Coverack bridge.



ST. IVES.

{ The old borough of St. Ives, and the respective parishes of Lelant and Towednack.

PENRYN  
and  
FALMOUTH.

{ From the point, on the north of Penryn, at which the boundary of the old borough leaves the boundary of the parish of Mylor, westward, along the boundary of the old borough to the point at which the same meets the road from Penryn to Helstone; thence in a straight line to the point, called Hill head, at which the road to Penryn from Budock joins the road to Penryn from Constantine; thence in a straight line to the nearest point of the boundary of the parish of Falmouth; thence, southward, along the boundary of the parish of Falmouth to the point at which the same meets the boundary of the detached portion of the parish of Budock; thence in a straight line to the northern point at which the boundary of the detached portion of the parish of Budock leaves the boundary of the parish of Falmouth; thence, westward, along the sea coast to the point at which the same is met by the boundary of the parish of Saint Gluvias; thence, eastward, along the boundary of the parish of St. Gluvias to the point first described.

TRURO.

{ From Bosvigo bridge over the Kenwyn river, and on the boundary of the old borough, along Bosvigo lane, to the point at which the same joins the Redruth road; thence along the Redruth road to the point at which the same is joined, near Chapel-Hill gate, by Green lane; thence along Green lane to the point at which the same joins the Falmouth road; thence along an occupation road leading through Newham-farm land to the point at which such occupation road meets Newham-Farm lane; thence along a fence which proceeds from Newham-Farm lane, and is the south-western boundary of two fields respectively called Great Beef close and Little Beef close, to the point at which such fence meets the north-western fence of a field called Bramble close; thence, eastward, along the fence of Bramble close to the point at which the same reaches the shore of Calenick creek; thence along the shore of Calenick creek to Lower Newham wharf; thence in a straight line across the Truro and Falmouth river to the south-eastern extremity of Sunny-Corner wharf; thence in a straight line to Sunny-Corner; thence in a straight line to the point at which Trenaek lane would be cut by a straight line to be drawn from the eastern extremity of Newham-Farm lane to the point called Hill head, at which St. Clements lane meets the St. Austell old turnpike road; thence in a straight line to Mitchell-Hill gate, on the old London road; thence in a straight line to the point at

which the boundary of the old borough would be cut by a straight line to be drawn from Mitchell-Hill gate to Kenwyn church; thence, northward, along the boundary of the old borough to Bosvigo bridge.

## 7.—COUNTY OF CUMBERLAND.

### EASTERN DIVISION.

CARLISLE.

The ancient city of Carlisle, and the respective townships of Botchergate and Rickergate, and also all such part of the township of Caldewgate as is comprised within the boundary herein-after described; (that is to say,)

From the bridge over the river Caldew uniting the township of Caldewgate with the old city of Carlisle, southward, along the river Caldew to the point at which the same leaves the boundary of the township of Caldewgate; thence, westward, along the boundary of the township of Caldewgate to the point at which the road from the Kell houses to Carlisle joins the Wigton road; thence in a straight line to the point at which the bye-road from Stainton, over the Summer House ford in the river Eden, and across the canal from the Solway to Carlisle, meets the road from Great and Little Orton to Carlisle at a place called New Town; thence along the said road from Stainton to the point at which the same reaches the Summer House ford; thence along the boundary of the township of Caldewgate to the bridge first described.

### WESTERN DIVISION.

COCKERMOUTH.

The several townships of Cockermouth, Eaglesfield, Brigham, Papcastle, and Bridekirk; and also that detached portion of the township of Dovenby which lies between the respective townships of Papcastle, Bridekirk, and Cockermouth.

WHITEHAVEN.

From the point on the sea coast, north of Whitehaven, at which the boundary of the township of Preston Quarter meets the boundary of the township of Moresby, eastward, along the boundary of the township of Preston Quarter, to the point at which the stream which flows through the village of Hensingham falls into the Poe beck; thence in a straight line to the point on the sea coast at which the boundary of the township of Preston meets the boundary of the township of Sandwith; thence along the sea coast to the point first described.

## 8.—COUNTY OF DERBY.

## SOUTHERN DIVISION.

DERBY.

- The old borough of Derby.

## 9.—COUNTY OF DEVON.

## NORTHERN DIVISION.

BARNSTAPLE.

From the new bridge over Braddiford water, on the New Braunton road, along the hedge which is the eastern boundary of the East Pillow Marsh field, to the point at which the same cuts Poleshill lane; thence along Poleshill lane to the point at which the same meets Hall's Mill lane; thence along Hall's Mill lane to the point at which the same meets the Mill leat; thence along the Mill leat to the point at which the same meets Shearford lane; thence along Shearford lane to the point at which the same joins the Roborough road; thence along the Roborough road to the point at which the same is met by Smoky House lane; thence along Smoky House lane to the point at which the same is cut by a hedge which divides the field called "Great Mill Close" from the field called "Little Mill Close"; thence along the last-mentioned hedge, and in a line in continuation of the direction thereof, to the point at which such line cuts the river Yeo; thence, eastward, along the boundary of the old borough of Barnstaple to the point at which the same meets, in Cooney cut, the south-eastern fence of a field called "Ham"; thence along the last-mentioned fence to the point at which the same cuts Land Key road; thence in a straight line to the point on Rumson hill at which Windy Ash lane meets the Brindon cross road; thence along Windy Ash lane to the point at which Wood Street water crosses the same; thence along Wood Street water to the point at which the same joins the river Taw; thence along the river Taw to the point at which the same is joined by the river Yeo; thence along the river Yeo to the swing bridge on the New Braunton road; thence along the New Braunton road to the new bridge first described.

TIVERTON.

- The parish of Tiverton.

## SOUTHERN DIVISION.

ASHBURTON.

- The parish of Ashburton.

From the point on the sea coast at which the boundary of the parish of Townstall meets the boundary of the parish of Stoke Fleming, northward, along the boundary of the parish of Townstall, to the point at which the

DARTMOUTH.

same meets the Stoke road ; thence along the Stoke road, passing Swallaton cross and Swallaton gate, to the point at which the Stoke road meets the Milton road ; thence along the Milton road to the point at which the same is met by the boundary of the parish of Townstall ; thence, westward, along the boundary of the parish of Townstall to the point at which the same reaches Old Mill creek ; thence along the low-water mark to the point first described.

DEVONPORT.

The parish of Stoke Damerill, and the township of Stonehouse.

EXETER.

From the turnpike gate on the Morton road, southward, along Cowick lane to the point at which the same meets Stone lane ; thence along Stone lane to the point at which the same meets the road from Exeter to Alphington ; thence, southward, along the road from Exeter to Alphington to the point at which the same is joined by Marsh Barton lane ; thence along Marsh Barton lane to the point at which the same reaches the western branch of the river Exe ; thence in a straight line to the point at which Abbey lane meets the eastern branch of the river Exe ; thence, southward, along the leat to the point at which the same is joined by the brook which runs down through East Wonford ; thence along the said brook to the point at which the same crosses the Old Stoke and Tiverton road near the road to Mincing Lake farm ; thence along the Old Stoke and Tiverton road to the point at which the same meets the boundary of the county of the city ; thence, northward, along the boundary of the county of the city to the point near Foxhays at which a branch of the river Exe, flowing through Exwick, joins the main stream thereof ; thence in a straight line to the point at which the road from Exwick to the turnpike gate on the Morton road is joined by a road leading from Foxhays to Cleave ; thence along the said road from Exwick to the turnpike gate on the Morton road to the point at which the same reaches such turnpike gate.

HONITON.

The parish of Honiton.

PLYMOUTH.

From the north-eastern boundary stone in a straight line to the nearest point of the line of the embankment ; thence, southward, along the line of the embankment to the point at which the same meets the boundary of the old borough ; thence, southward, along the boundary of the old borough to the point first described.

TAVISTOCK.

The parish of Tavistock, except the manor of Cudlip-town.

TOTNES.

The parish of Totnes, and the manor of Bridgetown.

## 10.—COUNTY OF DORSET.

## BRIDPORT.

From the toll bar on the Exeter road in a straight line to the northern extremity of the fence which separates the field called "Marland Five Acres" from the field called "Higher Girtups and Dogholes;" thence along the western fence of the field Higher Girtups and Dogholes to the point at which the same reaches a lane leading into Mead lane; thence along the said lane leading into Mead lane to the point at which the same reaches Mead lane; thence along Mead lane to the point at which the same joins the Chard road; thence, northward, along the Chard road to the point at which the same is joined by the first lane on the right, called "Green Lane;" thence in a straight line to Allington mill; thence in a straight line to the point at which Coneygere lane joins the Pymore road; thence along Coneygere lane to the point at which the same joins the Beaminster road; thence in a straight line to the bridge over the river Asher close by the flood houses; thence along the river Asher to the point at which the same would be cut by a straight line to be drawn from the eastern extremity of Coneygere lane to the turnpike gate on the Dorchester road; thence along the said straight line to the turnpike gate on the Dorchester road; thence, southward, along the Dorchester road to the point at which the same is joined by Bothenhampton lane; thence along Bothenhampton lane to the point at which the same is met by the stream which forms the boundary between the respective parishes of Walditch and Bothenhampton; thence along the said stream to the point at which the same falls into the river Asher; thence down the river Asher (following the easternmost branch thereof at the points at which the same divides into two branches) to Squibs bridge; thence in a straight line to the south-eastern corner of Keemy cottage on the Bothenhampton road; thence in a straight line to the eastern extremity of Wonderwell lane; thence, westward, along Wonderwell lane to the point at which the same joins the Burton Bradstock road; thence, southward, along the Burton Bradstock road to Wich gate; thence in a straight line through the Bombardier's house to the sea coast; thence along the sea coast to the eastern extremity of West cliff; thence, northward, along West cliff, and along the western boundary of the ship yard of Messieurs Matthews and Company, to the point at which the same meets the boundary of the field called "Pitfield Marsh;" thence, northward, along the boundary of Pitfield marsh to the point at which the same meets the river Brit at Ire pool; thence up the river Brit to the point at which

the same is joined by the stream which forms the boundary between the respective parishes of Symondsbury and Allington; thence along the last-mentioned stream to the point at which the same meets the fence which runs down thereto from the toll bar at the Exeter road; thence along the last-mentioned fence to the toll bar on the Exeter road.

## DORCHESTER.

From the second or middle bridge on the Sherborne road, along the northern branch of the river Frome, passing under Grey's bridge, to the point at which such northern branch is met, near Stanton's cloth factory, by the boundary of the parish of Fordington; thence, southward, along the boundary of the parish of Fordington to the point at which the same meets the Wareham road; thence, westward, along the Wareham road to the turnpike gate; thence in a straight line to the centre of the barrow called "Two Barrows;" thence in a straight line to the centre of the amphitheatre called Maumbury ring; thence in a straight line to the centre of the barrow called Lawrence barrow, near the Exeter road; thence in a straight line to the south-western corner of the barrack wall; thence, northward, along the barrack wall and palisade to the point at which such palisade meets the southern branch of the river Frome; thence in a straight line to the second or middle bridge on the Sherborne road.

## LYME REGIS.

The respective parishes of Lyme Regis and Charmouth.

## POOLE.

The county of the town of Poole, the parish of Hamworthy, and the respective tithings of Parkstone and Longfleet.

## SHAFTESBURY.

The old borough of Shaftesbury; the several out-parishes of Holy Trinity, St. James, and St. Peter; the several parishes of Cann, St. Rombald, Motcomb, East Stower, Stower Provost, Todbere, Melbury Abbas, Compton Abbas, Dowhead St. Mary, and St. Margaret's Marsh; and the chapelry of Hartgrove.

## WAREHAM.

The old borough of Wareham; the parishes of Corfe Castle and Bere Regis; the several out-parishes of Lady Saint Mary, Holy Trinity, and Saint Martin; and the chapelry of Arne; that part of the parish of East Stoke which adjoins the eastern boundary of the old borough of Wareham; and also such part of the parish of East Morden as is comprised within the following boundary; (that is to say,)

From the point at which the boundary of the parish of East Morden meets the southern boundary of Morden Park wood, southward, along the boundary of Morden

WEYMOUTH  
and  
MELCOMBE REGIS.

Park wood, to the point at which the same meets the Sherford lake; thence, eastward, along the Sherford lake to the point at which the same meets the boundary of the parish of East Morden; thence, southward, along the boundary of the parish of East Morden to the point first described.

From the old sluice on the Wareham road in a straight line to the point at which the northern wall of the old barrack field meets the Dorchester road; thence along the said northern wall, and in a line in the direction thereof, to the point at which such line meets the boundary of the old borough; thence, northward, along the boundary of the old borough to the point at which the same meets the Upper Wyke road; thence, westward, along the Upper Wyke road to the point at which the same is joined by a cross road leading to the Lower Wyke road, otherwise called Buxton's lane; thence along the said cross road to the point at which the same joins the said Lower Wyke road; thence along the said Lower Wyke road to the point at which the same joins the Sandsfoot Castle road; thence, northward, along the Sandsfoot Castle road to the point at which the same is met by the footpath leading by Lovel's farm to Bingleves; thence along the said footpath to the point at which the same reaches the edge of the cliff at Bingleves; thence along the sea coast to the old sluice aforesaid.

# 11.—COUNTY OF DURHAM.

## NORTHERN DIVISION.

DURHAM.

From Shincliffe bridge over the river Wear, on the Stockton road, along the Stockton road, to the point at which the same is met by a lane leading into the Darlington road; thence along the said lane to the point at which the same joins the Darlington road; thence along the Darlington road to the point at which the same is met by Potter's lane; thence along Potter's lane to the point at which the same meets Quarry Head lane; thence along Quarry Head lane to the point at which the same meets Margery lane; thence along Margery lane to the point at which the same meets Flass lane; thence along Flass lane to the point at which the same meets a lane leading into the newly cut turnpike road which forms the commencement of the Newcastle road; thence along the last-mentioned lane to the point at which the same joins the said newly cut road; thence, northward, along the said newly cut road to the point at which the same joins the old line of the Newcastle road; thence in a straight line through the northernmost of the two out-buildings attached to Kepier's hospital to the river Wear;

thence along the river Wear to the point at which the same meets Kepier lane; thence along Kepier lane, passing under the old arches of the hospital, to the point at which the same lane is joined, on the south-west of High Grange farm, by a lane leading into the Loaning Head road; thence along the last-mentioned lane, crossing the Sunderland road, to the point at which the same lane joins the Loaning Head road; thence along the Loaning Head road to the point at which the same is met by a beck running close to the north of Pellaw wood and to the south of Gilesgate church; thence along the said beck to the point at which the same falls into the river Wear; thence along the river Wear to Shincliffe bridge.

GATESHEAD.

The parish of Gateshead, and also all such part of the chapelry of Heworth in the parish of Jarrow as is situated to the west of a straight line to be drawn from Kirton toll gate house to Blue Quarry mill, and prolonged each way to the boundary of the parish of Gateshead.

SOUTH SHIELDS. -

The respective townships of South Shields and Westoe.

SUNDERLAND.

The parish of Sunderland, and the several townships of Bishop Wearmouth, Bishop Wearmouth Panns, Monk Wearmouth, Monk Wearmouth Shore, and Southwick.

## 12.—COUNTY OF ESSEX.

## NORTHERN DIVISION.

COLCHESTER.

- The old borough of Colchester.

HARWICH.

- The old borough of Harwich.

## SOUTHERN DIVISION.

MALDON.

{ The old borough of Maldon, and the parish of Heybridge.

## 13.—COUNTY OF GLOUCESTER.

## EASTERN DIVISION.

CHELTENHAM.

- The parish of Cheltenham.

CIRENCESTER.

- The parish of Cirencester.

{ From the old city boundary stone on the western side of the lane called Castle lane, leading from Westgate street to the county gaol, northward, along the old city boundary to the boundary stone, south of the London road, which marks the easternmost point of the old city boundary; thence in a straight line through the eastern corner of the mill upon the river Twiver, between the



## GLOUCESTER.

old city boundary and the tramroad from the Gloucester and Berkeley canal to Cheltenham, to the said tramroad; thence along the said tramroad to the point at which the same is met by Barton lane; thence along Barton lane to the point at which the same crosses the Sud brook; thence along the Sud brook to the point at which the same falls into the Gloucester and Berkeley canal; thence along the Gloucester and Berkeley canal to the point at which the same is met by the old city boundary; thence, westward, along the old city boundary to the point first described.

## STROUD.

The several parishes of Stroud, Bisley, Painswick, Pitchcomb, Randwick, Stonehouse, Leonard Stanley, Kings Stanley, Rodborough, Minchinhampton, Woodchester, Avening, and Horsley, except that part of the parish of Leonard Stanley which is called Lorridge's farm, and is surrounded by the parish of Berkley.

## TEWKESBURY.

The parish of Tewkesbury.

## 14.—COUNTY OF HANTS.

## NORTHERN DIVISION.

## ANDOVER.

The respective parishes of Andover and Knights Enham, and the tithing of Foxcot.

## PETERSFIELD.

The old borough of Petersfield, and the tithing of Sheet; the several parishes of Buriton, Lyss, and Froxfield; the several tithings of Ramsden, Langrish, and Oxenbourn, in the parish of East Meon; and also the parish of Steep, except the respective tithings of North and South Ambersham.

## WINCHESTER.

From St. Winnal's church in a straight line to the cottage on the new Alresford road which is north-west of the white house on St. Giles's hill; thence in a straight line to the turnpike gate at Barr End; thence in a straight line to the point at which the Gosport road joins the Southampton road; thence in a straight line to the point at which an angle is made in the northern bank of the lane leading from St. Cross to Compton Down, perpendicularly above the deep hollow in the said lane; thence in a straight line to the Cock lane turnpike gate; thence in a straight line to the Three Horse Shoes public house on the Week road; thence in a straight line to the house on the Andover road which is immediately north-west of the point at which the boundary of the city of Winchester crosses the same road; thence in a straight line to the south-eastern corner of the fir plantation on the western side of the Basingstoke road; thence in a straight line to St. Winnal's church.

## SOUTHERN DIVISION.

- CHRISTCHURCH.** { The parish of Christchurch, and the chapelry of Holdenhurst, except such part of the tithing of Hurn in the parish of Christchurch as is situated to the north of the following boundary ; (that is to say,  
From the point at which the western boundary of the parish of Christchurch crosses the road from Dudsonbury to Hurn bridge in a straight line to the south-western corner of Merritown common ; thence along the southern boundary of Merritown common and of Hurn common to the point at which the southern boundary of Hurn common reaches the Moor's river ; thence in a straight line to the southern boundary post of the parish of Christchurch on the Ringwood road, close by Fillybrook plantation.
- LYMINGTON.** { The parish of Lymington, and also such part of the parish of Boldre as is comprised within the following boundary ; (that is to say,  
From East-end bridge, on the eastern boundary of the parish of Boldre, in a straight line through Boldre church to the western bank of Lymington river ; thence, southward, along the western bank of Lymington river to the point at which the same meets the boundary of the parish of Boldre ; thence southward, along the boundary of the parish of Boldre to East-end bridge aforesaid.
- PORTSMOUTH.** { The old borough of Portsmouth, and the parish of Portsea.
- SOUTHAMPTON.** - The town and county of the town of Southampton.

## 15.—COUNTY OF HEREFORD.

- HEREFORD.** { The whole space contained within the boundary of the liberties of the city of Hereford, including Castle Green.
- LEOMINSTER.** - The parish of Leominster.

## 16.—COUNTY OF HERTFORD.

- ST. ALBANS.** { From the turnpike gate on the London road east of Saint Albans, called Saint Albans gate, in a straight line to the point at which the boundary of the old borough crosses the river at the bottom of the Cotton Mill lane ; thence southward, along the boundary of the old borough to the point at which the western boundary of the parish of St. Alban leaves the river ; thence in a straight line, through the south-eastern corner of St. Michael's churchyard, to the Hempstead road ; thence, northward, along the Hempstead road to the point at which the same meets the road leading to Gorehambury, formerly the Redbourn road ; thence in a straight line

HERTFORD.

to the western extremity of the tongue of land in the river just above Kingsbury fishpond; thence in a straight line to the side bar belonging to Kingsbury turnpike gate, by the side of the new Redbourn road; thence, eastward, in a straight line to the point at which the boundary of the old borough meets Luton lane; thence, eastward, along the boundary of the old borough to the point at which the same crosses sweetbriar lane; thence in a straight line to St. Alban's turnpike gate aforesaid.

From the corporation post at the bottom of Port hill, along the Bengoe road to the point at which the same is cut by the northern fence of Port hill field; thence along the northern and western fences of Port hill field to the point at which such western fence cuts the Mole Wood Mill road; thence in a straight line through Sele Farm bridge to the Stevenage road; thence in a straight line to the point at which the Hertingfordbury road is crossed by the boundary of the out-borough of Hertford: thence, southward, along the boundary of the out-borough of Hertford to the corporation post at the bottom of Port hill.

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#### 17.—COUNTY OF HUNTINGDON.

HUNTINGDON.

{ The old borough of Huntingdon, and the parish of Godmanchester.

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#### 18.—COUNTY OF KENT.

##### EASTERN DIVISION.

CANTERBURY.

{ From the westernmost point, near St. Jacob's, at which the boundary of the city liberties meets the Ashford road, in a straight line to the point at which the respective boundaries of the parishes of Harbledown, St. Dunstan, and Holy Cross Westgate meet; thence, northward, along the eastern boundary of the parish of Harbledown to the point at which the same turns north-westward near the Whitstable road; thence in a straight line, in the direction of St. Stephen's church, to the point at which such straight line cuts the boundary of the parish of St. Stephen; thence, eastward, along the boundary of the parish of St. Stephen to the point at which the same meets the boundary of the parish of Holy Cross Westgate; thence in a straight line, through the point at which the road to St. Stephen's church meets the road to Sturry, to the nearest branch of the river Stour; thence along the said branch of the river Stour to the corporation stone, number 5; thence, eastward, along the boundary of the city liberties, including the whole of the borough of Longport, to the point first described.

## DOVOR.

From the jetty, along the boundary of the liberties of the town and port of Dover, on the eastern side of the castle, and through the parish of Charlton, to the boundary stone at which the boundary of the said liberties meets the boundary of the parish of Buckland in Back lane; thence along Back lane to the point at which the same meets the road leading down to Crabbe turnpike gate on the London road; thence in a straight line, in a westerly direction, to the point at which the boundary of the parish of Buckland crosses the London road; thence along the boundary of the parish of Buckland to the point at which the same crosses the river; thence in a straight line to the point at which the boundary of the parish of Buckland meets the road leading to Combe farm; thence along the boundary of the parish of Buckland to the point at which the boundary of the parish of Hougham is intersected by the boundary of the liberties aforesaid; thence along the boundary of the said liberties to the sea coast; thence along the sea coast to the jetty.

## HYTHE.

The old borough of Hythe; the liberties of the town of Folkstone; and the several parishes of West Hythe, Saltwood, Cheriton, Folkstone, and Newington, except that detached part of the parish of Newington called Marwood land.

## SANDWICH.

The several parishes of St. Mary, St. Peter, and St. Clement; and the extra-parochial precinct of St. Bartholomew, Sandwich; the parish of Deal; and the parish of Walmer.

## WESTERN DIVISION.

## CHATHAM.

From the easternmost point at which the boundary of the city of Rochester meets the right bank of the river Medway, southward, along the boundary of the city of Rochester to the boundary stone of the said city marked 5; thence in a straight line to the windmill in the parish of Chatham on the top of Chatham hill; thence in a straight line to the Oil windmill in the parish of Gillingham, between the village of Gillingham and the fortifications; thence in a straight line through Gillingham fort to the right bank of the river Medway; thence along the right bank of the river Medway to the point first described.

From the point at which the Royal Arsenal canal at Woolwich joins the river Thames, along the said canal to the southern extremity thereof; thence in a straight line to the south-western corner of the Ordnance Store-

## GREENWICH.

keeper's house; thence in a straight line, in the direction of a stile in the footpath from Woolwich to Plumstead common, over Sand hill, to the boundary of the parish of Woolwich; thence, southward, along the boundary of the parish of Woolwich to the point at which the same meets the boundary of the parish of Charlton; thence, westward, along the boundary of the parish of Charlton to the point at which the same turns southward near the Dovor road; thence along the Dovor road to the nearest point of the boundary of the parish of Greenwich; thence, westward, along the boundary of the parish of Greenwich to the point at which the same turns abruptly to the south, close by the Dovor road; thence in a straight line, in a westerly direction, to the nearest point of the boundary of the parish of Greenwich; thence, westward, along the boundary of the parish of Greenwich to the point at which the same meets the boundary of the parish of Saint Paul Deptford; thence, southward, along the boundary of the parish of Saint Paul Deptford to the point at which the same meets the river Thames; thence along the river Thames to the point first described.

## MAIDSTONE.

The old borough of Maidstone.

The whole space comprised within the boundaries of the liberties of the old city of Rochester, and also such parts of the respective parishes of Strood and Frinsbury as are situated between the left bank of the river Medway and the boundary hereafter described; (that is to say,)

## ROCHESTER.

From the entrance from the river Medway of the Thames and Medway canal, along a footpath which leads up the hill towards Upnor, to the point (on the top of the hill) at which the same is met by a road or path leading towards Frindsbury church; thence along such road or path to the point at which the same joins Parsonage lane; thence along Parsonage lane to the point at which the same joins the road from Frindsbury to Hoo; thence in a straight line to the northernmost angle of the boundary of the parish of Strood; thence, westward, along the boundary of the parish of Strood to the point at which the same meets the London road; thence towards Rochester along the London road to the point at which the same is joined by the road from the Three Crouches; thence in a straight line to the point at which the left bank of the river Medway would be cut by a straight line to be drawn from the point last described to Fort Clarence.

## 19.—COUNTY OF LANCASTER.

## NORTHERN DIVISION.

- BLACKBURN.** - The township of Blackburn.
- CLITHEROE.** { The respective chapelries of Downham and Clitheroe ;  
and the four townships of Whalley, Wiswall, Pendleton,  
and Henshorn, and Little Mitton and Colcoats.
- LANCASTER.** { From the point on the river Lune at which the respec-  
tive boundaries of the townships of Lancaster, Skerton,  
and Heaton-with-Oxcliffe meet, westward, along the  
boundary of the township of Lancaster to the point  
at which the respective boundaries of the townships of  
Lancaster, Bulk, and Quernmore meet ; thence in a  
straight line to the aqueduct bridge over the Caton  
road ; thence, northward, along the canal from Preston  
to Kendal to the fourth bridge over the same from the  
aqueduct ; thence in a straight line to the point at  
which Bracken lane meets Scale lane ; thence along  
Scale lane to the point at which the same reaches the  
river Lune ; thence along the river Lune to the point  
first described.
- PRESTON.** { The old borough of Preston, and the township of Fish-  
wick.

## SOUTHERN DIVISION.

- ASHTON-  
UNDER-LYNE.** { The whole space over which the provisions of an Act  
passed in the seventh and eighth years of the reign of  
his late Majesty King George the Fourth, and intituled  
“ An Act for lighting, cleansing, watching, and other-  
wise improving the town of Ashton-under-Lyne in the  
county palatine of Lancaster, and for regulating the  
police thereof,” at present extend.
- BOLTON LE MOORS.** { The several townships of Great Bolton, Little Bolton,  
and Haulgh, except that detached part of the township  
of Little Bolton which is situate to the north of the town  
of Bolton.
- BURY.** { From the point in the hamlet of Starling at which a  
boundary stone marks the boundary of the respective  
townships of Elton and Ainsworth, along the lane from  
Starling to Walshaw lane, to the point in the hamlet of  
Walshaw lane at which a boundary stone marks the  
boundary of the respective townships of Elton and Tot-  
tington lower end ; thence, eastward, along the boundary  
of the township of Elton to the point at which the same  
meets the Woodill brook ; thence in a straight line to  
the point at which the Pigs Lea brook falls into the  
river Irwell ; thence, eastward, along the boundary of  
the township of Bury to the point at which the same  
meets the boundary of the township of Elton ; thence,

westward, along the boundary of the township of Elton to the point first described.

From the western extremity of Dingle lane, on the south of the town, along Dingle lane, to the point at which the same meets Ullet lane; thence along Ullet lane to the point at which the same meets Lodge lane; thence along Lodge lane to the point at which the same meets Smithdown lane; thence along Smithdown lane to the point at which the same is met by the boundary of the township of Wavertree; thence, northward, along the boundary of the township of Wavertree to that point thereof which is nearest to the south-eastern corner of the wall of the new botanic gardens; thence in a straight line to the said south-eastern corner; thence along the eastern wall of the new botanic gardens to the point at which such wall reaches Edge lane; thence, eastward, along Edge lane to a point seventy-four yards distant from the point last described; thence in a line parallel to the new street called Grove street to the point at which such parallel line reaches the London road; thence along the London road to the point at which the same is joined by Deane street; thence in a straight line to the boundary stone in Rake lane, near the southern extremity of Whitefield lane; thence, northward, along the boundary of the township of Everton to the point at which the same joins the boundary of the township of Kirkdale; thence, northward, along the boundary of the township of Kirkdale to the point at which the same reaches the high-water mark of the river Mersey; thence along the high-water mark of the river Mersey to that point thereof which is nearest to the point first described; thence in a straight line to the point first described.

#### LIVERPOOL.

#### MANCHESTER.

The several townships of Manchester, Chorlton Row otherwise Chorlton-upon-Medlock, Ardwick, Beswick, Hulme, Cheetham, Bradford, Newton, and Harpur Hey.

#### OLDHAM.

The several townships of Oldham, Chadderton, Crompton, and Royton.

#### ROCHDALE.

The space defined in the 101st section of an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, and intituled "An Act for lighting, cleansing, watching, and regulating the town of Rochdale in the county palatine of Lancaster."

From the northernmost point at which the boundary of the township of Salford meets the boundary of the township of Broughton, northward, along the boundary of the township of Broughton, to the point at which the same meets the boundary of the township of Pendleton; thence, westward, along the boundary of the township

SALFORD.	{ of Pendleton to the point at which the same meets the boundary of the detached portion of the township of Pendlebury; thence, southward, along the boundary of the detached portion of the township of Pendlebury to the point at which the same meets the boundary of the township of Salford; thence, westward, along the boundary of the township of Salford to the point first described.
WARRINGTON.	{ The respective townships of Warrington and Latchford; and also those two detached portions of the township of Thelwall which lie between the boundary of the township of Latchford and the river Mersey.
WIGAN.	- The township of Wigan.

## 20.—COUNTY OF LEICESTER.

## SOUTHERN DIVISION.

LEICESTER.	{ The old borough of Leicester, and the space over which the magistrates of the old borough of Leicester at present exercise a jurisdiction concurrently with the magistrates of the county of Leicester, including the castle view.
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## 21.—COUNTY OF LINCOLN.

## PARTS OF LINDSEY.

LINCOLN.	{ The old city of Lincoln, the bail and close, and a certain common, belonging to the freemen of Lincoln, called Canwick common, together with all extra-parochial places, if any, which are surrounded by the old city of Lincoln, the bail and close, and the said common, or any or either of them, or by the boundaries or boundary of any or either of them.
GREAT GRIMSBY.	{ The several parishes of Great Grimsby, Great Coates, Little Coates, Bradley, Laceby, Waltham, Scartho, Clee, Weelsby, and Cleethorpes.

## PARTS OF KESTIVEN AND HOLLAND.

BOSTON.	{ The old borough of Boston, the parish of Skirbeck, and the hamlet of Skirbeck quarter, including the fen allotment of the hamlet of Skirbeck quarter, but not the fen allotment of the parish of Skirbeck.
GRANTHAM.	{ The parish of Grantham, (including the several townships of Spittlegate, Manthorpe with Little Gonerby, and Harrowby,) and that part of the parish of Somerby which is contained between the boundary of the parish of Grantham and High Dyke.



STAMFORD.

The old borough of Stamford, and such part of the parish of St. Martin Stamford Baron as lies between the boundary of the old borough and the following boundary; (that is to say,)

From the westernmost point at which the boundary of the parish of Saint Martin meets the boundary of the old borough, southward, along the boundary of the parish of Saint Martin, to the northernmost point at which the same meets the Woothorpe road; thence in a straight line to the southern tower, on the London road, of the gateway to Burghley House; thence, northward, along the wall of Burghley park to the point at which the same meets an occupation road called the "New road," which runs from the Barnack and Pilsgate road to the river Welland; thence along the said occupation road, and in a line in continuation of the direction thereof, to the point at which such line cuts the boundary of the old borough.

## 22.—COUNTY OF MIDDLESEX.

FINSBURY.

The several parishes of Saint Luke, Saint George the Martyr, Saint-Giles-in-the-Fields, Saint George Bloomsbury, Saint Mary Stoke Newington, and Saint Mary Islington; the several liberties or places of Saffron hill, Hatton garden, Ely rents, Ely place, the Rolls, Glass House yard, and the Charter House; Lincolns inn and Grays inn; the parish of Saint James and Saint John Clerkenwell, except that part thereof which is situate to the north of the parish of Islington; those parts of the respective parishes of Saint Sepulchre and Saint Andrew Holborn, and of Furnivals inn and Staple inn respectively, which are situated without the liberty of the city of London.

LONDON

The whole space contained within the exterior boundaries of the liberties of the city of London, including the Inner Temple and the Middle Temple.

MARYLEBONE

The several parishes of Saint Mary le bone, Saint Pancras, and Paddington.

TOWER HAMLETS.

The several divisions of the liberty of the Tower, and the Tower division of Ossulston hundred.

WESTMINSTER.

The old city and liberties of Westminster, and the duchy liberty.

## 23.—COUNTY OF MONMOUTH.

## MONMOUTH DISTRICT.

MONMOUTH.

The parish of Monmouth, and all such parts of the old borough of Monmouth as lie without the parish of Monmouth.

NEWPORT.

From the point, on the south of the town, at which the Mendle Gief road is joined by a husbandry road leading to Hundred Acres gout, along the Mendle Gief road, to the point at which the same meets the Cardiff road; thence, westward, along the Cardiff road to the point at which the same meets the streamlet from Cwrt-y-bella well; thence along the said streamlet to the pool on the western side of Friar's Garden wall; thence along the watercourse up from the said pool to another pool on the western side of Bull field; thence along the western fence of Bull field to the point at which the same fence cuts the road from Stow to Risca; thence, westward, along the road from Stow to Risca to the point at which the same is cut by the fence which runs northward from the east end of the cottages belonging to John Ricketts; thence along the last-mentioned fence to the north-western corner of the field of which it is the western boundary; thence, eastward, along the northern fence of the last-mentioned field to the point at which the same is intersected by the fence of the adjoining field; thence, northward, along the last-mentioned fence to a well head; thence along the stream leading therefrom to the point at which the same meets the boundary of the old borough; thence, northward, along the boundary of the old borough to the point at which the same meets the river Usk at the mouth of Cridan pill; thence along the river Usk to the point at which the same is joined by a pill opposite the castle; thence along the said pill to the gout; thence along the watercourse, in a direction nearly due east, to the point at which the same meets the new road to Caerleon; thence along the new road to Caerleon to the point at which the same joins the old road to Christ Church; thence along the New Reen to the point at which the same meets Liswerry pill; thence along Liswerry pill to the point at which the same joins the river Usk; thence along the river Usk to the point at which the same is joined by Hundred Acres gout; thence along Hundred Acres gout to the point at which the same is met by the said husbandry road leading thereto from the Mendle Gief road; thence, along the said husbandry road to the point first described.

USK.

From the bridge on the north of the town, called "Cwm-cayo bridge," along the brook over which the said bridge is built, to the point at which the same falls into the river Usk; thence down the river Usk, and along the boundary of the old borough, to the point at which the same cuts the mill stream; thence in a straight line to the farm house of Little Castle farm; thence along the eastern side of the fence of the farmyard of Little

Castle farm to the north-eastern corner of such farm-yard; thence in a straight line to the oak tree in the wood hedge on the summit of Lady hill; thence in a straight line to the point at which Cwm-cayo brook would be cut by a straight line to be drawn from the tree last described to Cwm-cayo bridge, thence along Cwm-cayo brook to Cwm-cayo bridge.

#### 24.—COUNTY OF NORFOLK.

##### EASTERN DIVISION.

NORWICH.	{ The city and county of the city of Norwich, together with all such extra-parochial places as are contained within the outer boundary of the city and county of the city of Norwich.
GREAT YARMOUTH.	{ The old borough of Great Yarmouth, and the parish of Gorleston.

##### WESTERN DIVISION.

KING'S LYNN.	- The old borough of King's Lynn.
THETFORD.	- The old borough of Thetford.

#### 25.—COUNTY OF NORTHAMPTON.

##### NORTHERN DIVISION.

PETERBOROUGH.	{ The parish of Saint John Baptist, Peterborough, together with the extra-parochial district known by the name of "The Minster Precincts."
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##### SOUTHERN DIVISION.

NORTHAMPTON.	- The old borough of Northampton.
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#### 26.—COUNTY OF NORTHUMBERLAND.

##### NORTHERN DIVISION.

BERWICK-UPON- TWEED.	{ The parish of Berwick, and the respective townships of Tweedmouth and Spittal.
MORPETH.	{ The several townships of Morpeth, Buller's Green, Newminster Abbey, Catchburn with Morpeth castle and Stobhill, Hepscott, and Tramwell with High Church, and the parish of Bedlington.

##### SOUTHERN DIVISION.

NEWCASTLE-UPON- TYNE.	{ The town and county of the town of Newcastle, and the several townships of Byker, Heaton, Jesmond, Westgate, and Elswick.
TYNEMOUTH and NORTH SHIELDS.	{ The several townships of Tynemouth, North Shields, Chirton, Preston, and Cullercoats.

## 27.—COUNTY OF NOTTINGHAM.

## NORTHERN DIVISION.

NOTTINGHAM. - The county of the town of Nottingham.

## SOUTHERN DIVISION.

NEWARK-UPON-TRENT. The old borough of Newark.

## 28.—COUNTY OF OXFORD.

BANBURY. - The parish of Banbury.

OXFORD. { From the tree on the east of the city called "Joe Pullen's Tree," in a straight line to the boundary stone in the lane called "Mrs. Knapp's Free Board"; thence along the said lane to the western extremity thereof; thence in a straight line to the centre of the island situate at the junction of the stream called "Harson's Heat" with the river Charwell; thence, westward, along the river Charwell to the point at which the same joins the old city boundary; thence, westward, along the old city boundary to the point at which the river Charwell divides into two streams; thence along the easternmost of such two streams to King's mill; thence in a straight line to the easternmost part of King's mill; thence in a straight line to "Joe Pullen's Tree."

NEW WOODSTOCK. { The old borough of New Woodstock; the several parishes of Bladon, Begbrook, Shipton-on-Cherwell, Hampton Gay, Tackley, Wootton, Stonesfield, Coombe, and Handborough; the parish of Kidlington, except the respective hamlets of Gosford and Water Eaton; the hamlet of Old Woodstock and Blenheim park.

## 29.—COUNTY OF SALOP.

## NORTHERN DIVISION.

{ From the point at which the river Severn is joined by a stream or watercourse which flows by the Dog kennel, and under Bow bridge, along the said stream or watercourse to the point at which the same reaches the road leading from Old Heath into the Chester road; thence along the said road from Old Heath to the point at which the same joins the Chester road; thence along the Chester road to the point at which the same is met by a watercourse which runs round the corporation gardens and Round hill, and joins the river Severn near the house called "The Flash"; thence along the last-mentioned watercourse to the point at which the same reaches the old Baschurch road; thence along the old Baschurch road to the point at which the same is met by a footpath

## SHREWSBURY.

leading along the wall of Flash House towards the river Severn; thence along the said footpath to the point at which the same meets again the last-mentioned watercourse; thence along the last-mentioned watercourse to the point at which the same joins the river Severn; thence along the river Severn to the point at which the same is met by the common boundary of the respective parishes of Saint Chad and Saint Julian; thence, eastward, along the boundary of the parish of Saint Chad to the point at which the same reaches a lane or road which leads from the Montgomery road into lands belonging to Mrs. Cartwright; thence along such lane or road to the point at which the same joins the Montgomery road; thence in a straight line to the point at which the stream from the conduit head joins the Radbrook stream; thence along the Radbrook stream to the point at which the same reaches Kingsland lane; thence along Kingsland lane to the point at which the same joins the Bishop's Castle road; thence along the Bishop's Castle road to the point at which the same is met by the boundary of the parish of Saint Julian; thence, eastward, along the boundary of the parish of Saint Julian to the point at which the same meets the boundary of the parish of Holy Cross; thence, eastward, along the boundary of the parish of Holy Cross to the point first described.

## SOUTHERN DIVISION.

## BRIDGNORTH.

The old borough of Bridgenorth, and the several parishes of Quatford, Oldbury, Tasley, and Astley Abbots.

From the point on the south of the town at which Dirty brook joins the river Teme, north-eastward, along the boundary of the township of Ludford to that point thereof which is nearest to the south-western corner of the piece of land called Rock close; thence in a straight line to the said south-western corner; thence along the western fence of Rock close to the point at which the same cuts the road to the Sheet; thence towards Ludlow along the road to the Sheet to the point at which the same is joined by a road leading by Gallows bank into Rock lane; thence along the last-mentioned road to the point at which the same reaches Rock lane; thence along Rock lane to the point at which the same is joined by a road to the Sandpits turnpike; thence along the said road to the Sandpits turnpike to the point at which the same is met by the eastern fence of the garden of the public house called the Cross Keys; thence in a straight line to the point at which Fishmore brook would be cut by a straight line to be drawn from the point last described to Stanton Lacy House; thence along the Fish-

LUDLOW.

more brook to the point at which the same joins the river Corve; thence up the river Corve to the point at which the same meets the fence which separates the lands occupied by Mr. William Russell from the lands occupied by Mr. Henry Lloyd; thence along the last-mentioned fence to the point at which the same meets the Shrewsbury road; thence along the fence which separates the two fields respectively called the Lease Piece and Pike field to the point at which such fence meets the Burway road; thence, northward, along the Burway road to the point at which the same is met by the fence which separates the two fields respectively called "The Marshes" and "The Ox Pasture"; thence along the last-mentioned fence to the point at which the same meets the river Teme; thence in a straight line to the point at which the fence which divides the lands of the Honorable Robert Henry Clive from lands of the corporation of Ludlow, in the occupation of Mr. William Smith, meets the Prior Halton road; thence towards Ludlow along the Prior Halton road to the point at which the same is met by the fence which divides the lands of the corporation of Ludlow, occupied by the late Mr. Johnnes and Mr. George Anderson, from lands of the said corporation occupied by the late Mr. Anthony Jones and Mr. Robert Meyrick; thence along the last-mentioned fence to the point at which the same meets the Brick House road; thence in a straight line to the eastern corner of Whitecliff coppice; thence, southward, along the north-eastern fence of Whitecliff coppice to the point at which the same meets the boundary of the township of Ludford; thence, southward, along the boundary of the township of Ludford to the point first described.

WENLOCK.

- The old borough of Wenlock.

## 30.—COUNTY OF SOMERSET.

## EASTERN DIVISION.

BATH.

The old city of Bath, the respective parishes of Bathwick and Lyncomb and Wyncomb, and also that part of the parish of Walcot which lies without the old city of Bath and adjoins the boundary of the old city of Bath.

From the point on the north-east of the city at which the eastern boundary of the out-parish of Saint Paul meets the north-western boundary of the out-parish of St. Philip and Jacob, eastward, along the boundary of the parish of St. Philip and Jacob to that point thereof which is nearest to the point at which the Wells road leaves the Bath road; thence in a straight line to the said point at which the Wells road leaves the Bath road; thence along the Wells road to the Knowle turn-

BRISTOL.

pike gate; thence along the road which leads from the Knowle turnpike gate to Bedminster church to the point at which the same is crossed by Bedminster brook; thence along Bedminster brook to the point at which the same crosses the road from Locks mill to Bedminster; thence along the last-mentioned road, passing the southern extremity of the village of Bedminster, to the point at which the same meets the brook at Marsh pit; thence along the last-mentioned brook to the point at which the same meets the boundary of the parish of Clifton; thence, northward, along the boundary of the parish of Clifton to the boundary stone marked (C. P) and (W P) 12), marking the north-eastern angle of the boundary of the parish of Clifton, and situate on Durdham down, east of the Shirehampton road; thence in a straight line to the southernmost point at which the boundary of the tithing of Stoke Bishop meets Parry's lane; thence, eastward, along the boundary of the tithing of Stoke Bishop to the point at which the same joins the boundary of the out-parish of St. Paul; thence, northward, along the boundary of the out-parish of St. Paul to the point first described.

FROME.

From Cottle's Oak turnpike gate, along Barton lane, to the point at which the same meets Green lane; thence along Green lane to the point at which the same meets the lane to Hellicar's grave; thence along the lane to Hellicar's grave to the southern extremity thereof; thence in a straight line through Plaguy House into Grove lane; thence in a straight line to the point at which the road from Tytherington is met by the lane to Adderwell at a place called the Mount; thence along the lane to Adderwell to the eastern extremity thereof near Bellows hole; thence in a straight line to the point at which Frome river would be cut by a straight line to be drawn from the point last described to the house called "Mrs. Whites" or "Southfield Farm House"; thence, northward, along Frome river to the point at which the same is joined by Rodden lake streamlet; thence along Rodden lake streamlet to Rodden bridge at the end of Rodden lane; thence along Rodden lane to the point called Clink crossways; thence in a straight line to the twelfth mile stone on the Bath road; thence in a straight line to the north-eastern corner of Mr. Shepherds garden wall; thence in a straight line, through the house of Thomas Ball and Mrs. Slade, to Frome river; thence along Frome river to the northernmost part of the buildings of the Dye house, late the property of Samuel Button; thence in a straight line to the centre of Kissing Batch pound; thence in a straight line to Cottle's Oak turnpike gate.

WELLS.

From the point on the north-east of the city at which the old city boundary meets Back lane, along Back lane to the point at which the same joins the Bath road; thence in a straight line across the Bath road to the northern extremity of Drang lane; thence along Drang lane, and along the footpath across Drang meadow, to the point at which such footpath joins the road which leads to the turnpike on the Shepton Mallett road; thence, westward, along the road so joined to the next city boundary stone; thence, southward, along the old city boundary to the point first described.

## WESTERN DIVISION.

BRIDGEWATER.

From the easternmost point at which the boundary of Three Elm field meets the river Parrett, westward, along the boundary of Three Elm field to the point at which the same meets Reed Moor pill; thence, westward, along Reed Moor pill to the point at which the same reaches the southern boundary of the two fields respectively called the Pasture ground; thence in a straight line to the point at which the boundary of the parish of Wembdon would be cut by a straight line to be drawn from the point last described to the spire of Bridgewater church; thence, southward, along the boundary of the parish of Wembdon to the point at which the same meets the Cannington road; thence, westward, along the Cannington road to the point at which the same is met by the boundary of the field called Six Acres; thence, westward, along the boundary of the field called Six Acres to the point at which the same meets, near the Horse and Jockey inn, the road from West street; thence, westward, along the said road from West street to the point at which the same is met by the western boundary of Matthew's field; thence along the western boundary of Matthew's field to the point at which the same meets the Town mill leat; thence along the Town mill leat to the point at which the same reaches the south-eastern corner of Matthew's field; thence in a straight line to the point at which Hamp brook meets Hamp lane; thence along Hamp lane to the point at which the same joins West road; thence along West road to the point at which the same is joined by Row's lane; thence along Row's lane to the point at which the same meets the fence which incloses the grounds of the house called "Hamp," belonging to John Chapman esquire; thence, southward, along the last-mentioned fence to the point at which the same meets a stream at Barland lane bridge; thence along the said stream to the point at which the same falls into the river Parret at Barland Clize; thence, westward,



along the river Parret to the point at which the same is joined by the boundary of the northernmost of the two contiguous fields respectively called Five Acres; thence, eastward, along the boundary of the last-mentioned field to the point at which the same meets the boundary of the field called Four Acres; thence, northward, along the boundary of the field called Four Acres to the point at which the same meets the boundary of the field called Five Acres; thence, eastward, along the boundary of the last-mentioned field called Five Acres to the point at which the same meets the Weston Zoyland road; thence, eastward, along the Weston Zoyland road to the point at which the same is met by an occupation road leading towards the north; thence along the said occupation road to the northern extremity thereof; thence along the fence which is the western boundary of the fields respectively called Ten Acres, Seven Acres, and Five Acres, formerly belonging to Alexander Popham esquire, to the point at which such fence meets the fence of a field called the Hundred Acres; thence in a straight line to the southern extremity, close by a penfold, of the fence which divides the two fields respectively called "part of the Hundred Acres"; thence, eastward, along the boundary of the easternmost of the two last-mentioned fields to the point at which such boundary meets the Bath road; thence, northward, along the boundary of the field called Small Croft to the point at which the same meets the Bristol road; thence, westward, along the boundary of Great Castle field to the point at which the same meets the river Parret; thence along the river Parret to the point first described.

From the point on the north-west of the town at which Mill Lease stream crosses Greenway lane, along Greenway lane to the point at which the same joins the Kingston road; thence along the Kingston road to the point at which the same is joined by the Cheddon road; thence along the Cheddon road to the point at which the same is joined by Priors Wood lane; thence along Priors Wood lane to the point at which the same is met by the Obridge stream; thence along the Obridge stream to the point at which the same falls into the river Tone; thence, southward, along the river Tone to the point at which the same is met by Mill lane; thence along Mill lane to the point at which the same joins the Bridgewater road; thence along the Bridgewater road to the point at which the same is joined by Bath Pool lane; thence in a straight line to Stream Plat bridge; thence along the stream over which Stream Plat bridge is built, through Holway bridge, to the point at which the same stream meets the

## TAUNTON.

boundary of the parish of Wilton at Cuckoo corner; thence, westward, along the boundary of the parish of Wilton to the point at which the same meets Sherford stream; thence along Sherford stream to the point at which the same meets Sherford lane; thence along Sherford lane to the point at which the same joins the Honiton road; thence along the Honiton road to the point at which the same is joined by Hoverland lane; thence along Hoverland lane to the point at which the same meets Ganton stream; thence along Ganton stream to the point at which the same meets the boundary of the parish of Wilton; thence, northward, along the boundary of the parish of Wilton to the point at which the same meets the Bishops Hull road; thence, northward, along the Bishops Hull road to the point at which the same is joined by Long Run lane; thence in a straight line to the turnpike house on the Staplegrove road; thence along the Staplegrove road to the point at which the same is crossed by Mill Lease stream; thence along Mill Lease stream to the point first described.

## 31.—COUNTY OF STAFFORD.

## NORTHERN DIVISION.

NEWCASTLE-  
UNDER-LYME.

The old borough of Newcastle-under-Lyme, and the portion of the parish of Stoke upon Trent which is surrounded partly by the boundary of the old borough of Newcastle-under-Lyme and partly by the boundary of the township of Knutton.

## STAFFORD.

From the point at which the boundary of the old borough is cut by a straight line drawn from the windmill near the bridge on the Doxey road to the style at the southern end of the footpath from the Newport road into the Penkridge road, along the said straight line to the point at which the same meets the Penkridge road; thence, southward, along the Penkridge road to the point at which a stream of water running along the eastern side of that road turns eastward therefrom; thence along the said stream to the point at which the same meets Spittal brook; thence along Spittal brook to the point at which the same meets the river Sow; thence along the river Sow to the point at which the same meets the boundary of the old borough; thence, northward, along the boundary of the old borough to the point first described.

STOKE-UPON-  
TRENT.

The several townships of Penkhull with Boother, Tunstall, Burslem, Hanley, Shetlon, Fenton Vivian, Lane End, Fenton Culvert, and Longton, the vill of Rushton Grange, and the hamlet of Sneyd.

## SOUTHERN DIVISION.

- LICHFIELD. { The county of the city of Lichfield, and the place called the Close, which is encompassed by the said county.
- TAMWORTH. - The parish of Tamworth.
- WALSALL. { The parish of Walsall, except that detached part thereof which is surrounded by the respective parishes of Aldridge and Rushall, and the chapelry of Pelshall.
- WOLVERHAMPTON. { The several townships of Wolverhampton, Bilston, Willenhall, and Wednesfield, and the parish of Sedgely.

## 32.—COUNTY OF SUFFOLK.

## EASTERN DIVISION.

- IPSWICH. - The old borough of Ipswich.

## WESTERN DIVISION.

- BURY ST. EDMUNDS. - The old borough of St. Edmunds.
- EYE. { The several parishes of Eye, Hoxne, Denham, Redlingfield, Occold, Thorndon, Braisworth, Yaxley, Thrandiston, Broome, and Oakley.
- SUDBURY. { The old borough of Sudbury, and the township or hamlet of Ballingdon cum Brunden; together with all or any extra-parochial places or place surrounded by the boundaries either of the old borough of Sudbury or of the township or hamlet of Ballingdon cum Brunden.

## 33.—COUNTY OF SURREY.

## EASTERN DIVISION.

- LAMBETH. { The parish of Saint Mary Newington, the parish of Saint Giles Camberwell, except the manor and hamlet of Dulwich, and also such part of the parish of Lambeth as is situate to the north of the line herein-after described, including the extra-parochial space encompassed by such part:  
From the point at which the road from London to Dulwich by Red Post hill leaves the road from London over Herne hill in a straight line to Saint Matthews church at Brixton; thence in a straight line to a point in the boundary between the respective parishes of Lambeth and Clapham one hundred and fifty yards south of the middle of the carriageway along Acre lane.
- REIGATE. - The parish of Reigate.
- SOUTHWARK. { The old borough of Southwark, including the Mint and manor of Suffolk; the several parishes of Rotherhithe, Bermondsey, and Christ Church; and the Clink liberty of the parish of Saint Saviour.

## WESTERN DIVISION.

GUILDFORD.

From the point on the north of the town at which a creek leading from Dapdune House joins the river Wey, in a straight line to the point at which the road called the New road joins the Stoke road; thence along the New road to the point at which the same joins the Kingston road; thence along the Kingston road to the point at which the same joins Cross lane; thence along Cross lane to the point at which the same joins the Epsom road; thence in a straight line to the point in Chalky lane at which the boundary of Trinity parish leaves the same; thence along the southern boundary of Trinity parish to the point at which such boundary enters Gaol lane; thence in a straight line to the point at which the river Wey turns abruptly to the north at a wharf close by the Horsham road; thence in a straight line to the point at which the path from Guildford across Bury fields abuts on the Portsmouth road; thence in a straight line to the south-western corner of Cradle field; thence along the western hedge of Cradle field to the point at which the same cuts the old Farnham road; thence in a straight line towards Worpleston semaphore to the point at which such line cuts the new Farnham road; thence in a straight line to the point first described.

## 34.—COUNTY OF SUSSEX.

## EASTERN DIVISION.

BRIGHTELMSTONE -

The respective parishes of Brighthelmstone and Hove.

HASTINGS.

The town and port of Hastings and its liberties, including that detached part of the parish of Saint Leonard which lies near the town of Winchelsea, and including also the liberty of the Sluice, but excluding all such other parts of the old borough of Hastings as are detached from the main body thereof.

LEWES.

From the Town mill on the north-western side of the town in a straight line to the Smock windmill, which is the most southerly of the two windmills called "The Kingstone Mills"; thence in a straight line to the point at which the boundary of the parish of Southover crosses the Cockshut stream; thence along the Cockshut stream to the point at which the same joins the river Ouse; thence along the river Ouse to the point at which the same would be cut by a straight line to be drawn from the point last described to the point on the eastern cliff known as the scite of an old windmill; thence in a straight line to the said point on the eastern cliff; thence

in a straight line to the windmill called "Malling Mill"; thence in a straight line to the point at which the stream which turns the paper mill falls into the river Ouse; thence in a straight line to the Town mill.

RYE.

The ancient towns of Rye and Winchelsea, the several parishes of Rye, Peasemars, Iden, Playden, Winchelsea, East Guildford, Icklesham, and Udimer, and also that part of the parish of Brede which lies between the parishes of Udimer and Icklesham.

#### WESTERN DIVISION.

ARUNDEL. -

The parish of Arundel.

From the eastern extremity of the boundary of the old city liberty at Saint James' post, northward, along the said boundary to the point at which the same meets the old Broill road; thence in a straight line to the westernmost point at which the boundary of the parish of Saint Peter the Great meets the boundary of the parish of Saint Bartholomew; thence, southward, along the boundary of the parish of Saint Bartholomew to the point at which the same crosses the new road to Fishbourn; thence in a straight line to the turnpike gate on the Stockbridge road; thence in a straight line to the canal bridge adjoining the basin; thence in a straight line to the southern extremity of Snag lane; thence in a straight line to the southern extremity of Cherry Orchard lane; thence in a straight line to the point at which the Rumboldswick road meets the Oving road; thence in a straight line to the point first described.

CHICHESTER.

HORSHAM.

The parish of Horsham.

The several parishes of Midhurst, Easebourn, Heyshot, Chithurst, Graffham, Didling, and Cocking; and the tithing of South Ambersham in the parish of Steep; that part of the parish of Bignor which is surrounded by the parish of Easebourne; those parts of the several parishes of Wool Lavington, Bepton, and Woolbeding which adjoin the parish of Midhurst; that part of the parish of Lynch which adjoins the said part of the parish of Bepton; and also that part of the parish of Lynch in which Woodmans green is situate; all such parts of the respective parishes of Stedham and Iping as are not situated to the north of the cross road which runs from Woodmans green, between North End farm and Hobberts farm, to Milland marsh; the parish of Trotton, except that part thereof which lies to the north of the cross road from Vining common to Home hill and Cobed hall called Lonebeech lane; and all such parts of the respective parishes of Sellham and Lodsworth, and of the tithing of North Ambersham, as are not situated to the north of the brook which runs from Cooks bridge on the London road to Lickfold bridge.

MIDHURST.

## 35.—COUNTY OF WARWICK.

## NORTHERN DIVISION.

- BIRMINGHAM.** { The respective parishes of Birmingham and Edgbaston,  
and the several townships of Bordesley, Duddeston and  
Nechels, and Deritend.
- COVENTRY.** - The city of Coventry and the suburbs thereof.

## SOUTHERN DIVISION.

- WARWICK.** The old borough of Warwick.

## 36.—COUNTY OF WESTMORLAND.

- KENDAL.** { The respective townships of Kendal and Kirkland,  
and all such parts of the township of Nether Graveship  
as adjoin the township of Kendal.

## 37.—ISLE OF WIGHT.

- NEWPORT.** { From the point on the south of the town at which the  
footpath to Shide joins the Niton road at Trattles Butt  
in a straight line to the house in the parish of Carisbrooke  
which belongs to Joshua Spickernell, and is now in the  
occupation of Mrs. Stanborough; thence in a straight  
line across the Gatcombe road to the house which belongs  
to James Barlow Hoy esquire, and is now in the occu-  
pation of James Dennett; thence in a straight line in  
the direction of West mill to the point at which such  
straight line cuts the Lukeley or Carisbrook stream;  
thence, northward, along the Lukeley or Carisbrook  
stream to the point at which the same meets the bound-  
ary of the old borough; thence, northward, along the  
boundary of the old borough to Pan bridge; thence in a  
straight line to the point at which the footpath to Shide  
meets Church Litton lane; thence along the said foot-  
path to the point first described.

## 38.—COUNTY OF WILTS.

## NORTHERN DIVISION.

- CALNE.** { The parish of Calne, and also those parts of the  
respective parishes of Blackland and Calstone Willington  
which are surrounded by the parish of Calne, including  
all such parts, if any, of the old borough of Calne as are  
without the parish of Calne.
- CHIPPENHAM.** { The several parishes of Chippenham, Hardenhuish,  
and Langley Burrel, and the extra-parochial space called  
Pewisham.

## DEVIZES.

The old borough of Devizes, including the respective parishes of St. John the Baptist and the Blessed Virgin Mary, and also so much of the chapelry of St. James and of the parish of Rowde as lies between the boundary of the old borough and the following boundary; (that is to say,)

From the point at which the boundary of the parish of St. John the Baptist would be cut by a straight line to be drawn from the dairy farm house on the Chippenham road called Ox House to the round tower of the new county bridewell, in a straight line to Ox House; thence in a straight line to a house occupied by Mr. Mayo, called Brow cottage; thence in a straight line to the point at which the towing path of the Kennet canal meets Dye House lane; thence, eastward, along the Kennet canal to the point at which the same turns northward near London bridge; thence in a straight line drawn due east to a point one hundred yards distant; thence in a straight line to Mr. Gundry's house on the Salisbury road; thence in a straight line to a house called Southgate, occupied by Mr. Slade; thence in a straight line to the southernmost point at which Gallows Acre lane is met by the boundary of the parish of St. John the Baptist.

## MALMSBURY.

The old borough of Malmsbury, the respective out-parishes of St. Paul Malmsbury and St. Mary Westport, and the several parishes of Brokenborough, Charlton, Garsdon, Lea, Great Somerford, Little Somerford, Foxley, and Bremhilham.

## MARLBOROUGH.

The old borough of Marlborough and the parish of Preshute.

## SOUTHERN DIVISION.

## SALISBURY.

From the south-western extremity of the wall of the poorhouse at Fisherton Anger, in a straight line to a point in the Wilton road which is three hundred and thirty yards distant from the point at which the Wilton road joins the Devizes road; thence in a straight line to a point in the Devizes road which is six hundred and forty yards distant from the point at which the Wilton road joins the Devizes road; thence in a straight line to the point at which the Stratford road joins the Marlborough road; thence in a straight line to the point called Whipping Cross Tree; thence in a straight line to the point at which the road from Salisbury to Laverstock joins the road from Salisbury to Clarendon; thence in a straight line to the point at which the eastern boundary of the city meets the river Avon; thence along the river Avon to the point at which the same joins the

river Nadder; thence along the river Nadder to the point first described.

WESTBURY.

The parish of Westbury.

WILTON.

The several parishes of Wilton, Fugglestone, Stratford-under-the-Castle, Great Durnford, Woodford, South Newton, Wishford, Barford, Burcombe, Netherhampton, West Harnham, and Britford; such part of the parish of Fisherton Anger as will not by the provisions of this Act be included within the boundary of the city of Salisbury; and also all such parts of the several parishes of Bishopston, Toney Stratford, Combe Bisset, and Humington as are situated to the north of a straight line to be drawn from Odstock church to the point on Combe hill at which a fence dividing the down from the cultivated land meets the old road from Salisbury to Blandford, and thence through the centre of the clump of trees called Fallstone middle nursery to the western boundary of the parish of Bishopston; together with all such part of the extra-parochial place called Grovely wood as is situate to the east of a straight line to be drawn from the point at which the western boundary of the parish of Wishford meets the northern boundary of Grovely wood, to the point at which the western boundary of the parish of Barford meets the southern boundary of Grovely wood.

### 39.—COUNTY OF WORCESTER.

#### EASTERN DIVISION.

DROITWICH.

The old borough of Droitwich; the several parishes of Dodderhill, Hampton Lovett, Doverdale, Salwarp, Martin Hussingtree, Oddingley, Hadsor, Hindlip, Himbleton, and Elmbridge; the Moreway-end division and the Broughton division of the parish of Hanbury; the extra-parochial places called Crutch and Westwood park; together with the two parts of the respective parishes of Claines and Warndon which are surrounded by the respective parishes of Hindlip and Martin Hussingtree; and also the extra-parochial place called Shell, and the detached part of the parish of Inkberrow, which are respectively contained between the parish of Himbleton and the Broughton division of the parish of Hanbury.

DUDLEY.

The parish of Dudley.

EVESHAM.

The old borough of Evesham.

#### WESTERN DIVISION.

BEWDLEY

The parish of Ribbesford, and the several hamlets of Wribbenhall, Hoarstone, Blackstone, Netherton, and Lower Mitton with Lickhill.



## KIDDERMINSTER.

From the point at or near Proud Cross at which the boundary of the old borough meets the Broomfield road, along the boundary of the old borough, to the point at which the Abberley road meets the Black brook; thence, westward, along the Abberley road to the first point at which the same is met by a hedge running due south therefrom; thence along the said hedge to its southern extremity near a stone quarry; thence in a straight line to the said stone quarry; thence in a straight line to the first mile stone on the Bewdley road; thence, westward, along the Bewdley road to the point at which the same is joined by a footpath leading to the Stourport road; thence along the said footpath to the point at which the same meets the boundary of the old borough; thence, southward, along the boundary of the old borough to the point at which the same meets the south-eastern fence of a wood called "The Copse," situated on the eastern bank of the river Stour; thence along the said fence to the point at which the same meets Hoo lane; thence across Hoo lane, over a stile called "Gallows Stile," along a footpath leading from the said stile to the lane from Hoo brook to Comberton hill, to the point at which the last-mentioned footpath meets the lane from Hoo-brook to Comberton hill; thence, northward, along the lane from Hoo-brook to Comberton hill to the point at which the same meets the boundary of the old borough; thence, northward, along the boundary of the old borough to the point first described.

From the liberty post on the Tewkesbury road, southward, along the Tewkesbury road, to the point beyond the turnpike at which the same road is met by Duck brook; thence along Duck brook to the point at which the same crosses the London road; thence in a straight line to the western extremity of the road which leads out of the London road to Lark hill; thence along the said road to Lark hill to the eastern extremity thereof; thence along a footpath leading to the New Town road to the point at which the same reaches the New Town road; thence, westward, along the New Town road to the point at which the same is crossed by a footpath leading from the house of industry to the Porte Fields road; thence along the last-mentioned footpath to the point at which the same joins the Porte Fields road; thence along a footpath which leads from the Porte Fields road, past Rainbow villa, into the Astwood road, to the point at which such footpath joins the Astwood road; thence along a road which leads from the Astwood road to the Whey tavern to the point at which such road crosses the Worcester and Birmingham canal; thence

## WORCESTER.

along the Worcester and Birmingham canal to the bridge which is nearest to Gregory's mill; thence along the road leading from the said bridge to the Birmingham road to the point at which the same is crossed by the Barborne brook; thence along the Barborne brook to the point at which the same falls into the river Severn; thence along the river Severn to the point at which the same is met by the boundary of the parish of St. Clement; thence, westward, along the boundary of the parish of St. Clement to the point at which the same meets the boundary of the township of St. John; thence, westward, along the boundary of the township of St. John to the point at which the same meets the Hereford road; thence along the Hereford road to the point at which the same is met by Powick lane, leading to Powick bridge; thence, southward, along Powick lane to the point at which the same terminates in a footpath; thence in a straight line to the point at which Cut Throat lane is met by a footpath leading from Boughton fields to the Malvern road; thence along the last-mentioned footpath to the point at which the same joins the Malvern road; thence, northward, along the Malvern road to the point at which the same meets the boundary of the township of St. John; thence, eastward, along the boundary of the township of St. John to the point at which the same meets the boundary of the parish of St. Clement; thence, eastward, along the boundary of the parish of St. Clement to the point at which the same meets the river Severn; thence, southward, along the river Severn to the point at which the same is met by the old city boundary; thence, southward, along the old city boundary to the liberty post aforesaid.

## 40.—COUNTY OF YORK.

## NORTH RIDING.

MALTON.	{ The respective parishes of St. Leonard and St. Michael, New Malton, the parish of Old Malton, and the parish of Norton.
NORTHALLERTON.	{ The respective townships of Northallerton and Romanby, and the chapelry of Brompton.
RICHMOND.	- The respective parishes of Richmond and Easby.
SCARBOROUGH.	{ The parish of Scarborough, together with the extra-parochial precinct of Scarborough Castle.
THIRSK.	{ The several townships of Thirsk, Sowerby, Carlton Miniott, Sand Hutton, Bagby, and South Kilvington.
WHITBY.	{ The several townships of Whitby, Ruswarp, and Hawsker-cum-Stainsacre.

YORK.

From the ancient barn on the Easingwold road, two hundred yards beyond the first milestone on that road, in a straight line to the Lady or Clifton mill; thence in a straight line to the Pepper or Stray mill; thence in a straight line to the point at which the Stockton road would be cut by a straight line to be drawn thereto from the Pepper or Stray mill through the New Manor house; thence along the Stockton road to the point at which the same is joined by a lane leading from the eastern extremity of the village of Heworth towards the north; thence in a straight line to the point at which the Tang Hall beck would be cut by a straight line to be drawn from the point last described to Heslington mill; thence along Tang Hall beck to the point at which the same crosses the boundary of the county of the city of York; thence, southward, along the boundary of the county of the city of York to the point at which the same would be cut by a straight line to be drawn thereto from the south-eastern corner of the barracks through Lamel mill; thence in a straight line to the south-eastern corner of the barracks; thence along the southern wall of the barracks to the point at which the same cuts the Selby road; thence along the Selby road to the point at which the same is joined by Fulford church lane; thence along the northern hedge of Fulford church lane to the point at which the same ceases to be continuous close by a farm building belonging to Mr. Ellis; thence in a straight line, in the direction of the said hedge, to the river Ouse; thence along the river Ouse to the southernmost point at which the same is met by the boundary of the city liberty; thence, westward, along the boundary of the city liberty to the point at which the same again meets the river Ouse; thence along the river Ouse to the point at which the same would be cut by a straight line to be drawn from the barn first described to Acomb church; thence in a straight line to the barn first described.

## - EAST RIDING.

BEVERLEY.

The several parishes of St. Mary, St. Martin, and St. Nicholas, and also such part of the parish of St. John as is comprised within the liberties of Beverley.

KINGSTON UPON  
HULL.

The several parishes of St. Mary, the Holy Trinity, Sculcoates, and Drypool; together with the extra-parochial space called Garrison-side, and all other extra-parochial places, if any, which are surrounded by the boundaries of the said parishes of St. Mary, the Holy Trinity, Sculcoates, and Drypool, or any or either of them; and also all such part of the parish of Sutton as

is situated to the south of a straight line to be drawn from Sculcoates church to the point at which the Sutton drain meets the Summergangs drain.

## WEST RIDING.

- BRADFORD. { The several townships of Bradford and Manningham and Bowling, and the township of Horton, including the hamlets of Great and Little Horton.
- HALIFAX. { From the point on the north of the town at which the respective boundaries of the several townships of Halifax, North Oworm, and Ovenden meet, westward, along the boundary of the township of Halifax to the point at which the same meets the road leading from a house called Shay to Bank Top; thence along the said road from Shay to Bank Top to the point at which the same meets the road leading from South Oworm to North Oworm; thence along the said road from South Oworm to North Oworm to God lane bridge; thence in a straight line to the south-eastern corner of New Town on the Bradford road, thence in a straight line to the point first described.
- HUDDERSFIELD. - - The township of Huddersfield.
- KNARESBROUGH. { The boundary described in the second section of an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, and intituled "An Act for paving, lighting, watching, cleansing, and improving the town of Knaresborough in the west riding of the county of York, and that part of the township of Scriven-with-Tentergate which adjoins the said town, and is called Tentergate."
- LEEDS. - The parish of Leeds.
- PONTEFRACT. { The old borough and township of Pontefract, and the extra-parochial space called the Pontefract park district, the castle precincts, and also the several townships of Tanshelf, Monkhill, Knottingley, Ferrybridge, and Carleton.
- RIPON. { The township of Ripon; and also such part of the township of Aismunderby-cum-Bondgate as is situate to the north of the point on the south of the town of Ripon at which the Ripley road meets the Littlethorpe road, and which is the southern extremity of the nearly disjointed portion of the township of Aismunderby-cum-Bondgate.
- SHEFFIELD. - The parish of Sheffield.
- { From the southernmost point at which the boundary of the township of Wakefield leaves the river Calder, along the boundary of the township of Wakefield, to the point at which the same is intersected by a hedge

## WAKEFIELD.

running nearly north close by the western side of Park Gate farm; thence in a straight line to the point at which the footpath leading to St. Swithins well joins the footpath from East Moor to Old Park; thence in a straight line to the point at which the Stanley road would be cut by a straight line to be drawn from the point last described to the cupola of the lunatic asylum; thence along the Stanley road to the point at which the same is met by the East Moor road; thence along the East Moor road to the point at which the same meets the boundary of the township of Wakefield; thence, westward, along the boundary of the township of Wakefield to the point at which the same meets the boundary of the detached portion of the township of Alverthorp which lies north of the township of Wakefield; thence, westward, along the boundary of the said detached portion of the township of Alverthorp to the point at which the same joins again the boundary of the township of Wakefield; thence, southward, along the boundary of the township of Wakefield to the point at which the same meets Balne lane; thence along Balne lane to the point at which the same is met by Humble Jumble lane; thence along Humble Jumble lane to the point at which the same meets the footpath to Flanshaw lane; thence along the footpath to Flanshaw lane to the point at which the same meets Smithsons railroad; thence along Smithsons railroad to the point at which the same meets the Dewsbury road; thence along the Dewsbury road to the point at which the same meets the new or occupation road which unites the Dewsbury and Horbury roads; thence along the said new road to the point at which the same meets the park wall of Thornes house; thence, northward, along the said wall to the point at which the same meets the road from Thornes to Horbury; thence along the road from Thornes to Horbury to the point at which the same meets the stream called "The Gilsike"; thence along the said stream to the point at which the same falls into the river Calder; thence along the river Calder to the point first described.

## WALES.

## 41.—COUNTY OF ANGLESEA.

## BEAUMARIS DISTRICT.

From the point on the north-east of the town at which Rhyd Talog brook falls into the sea at Porth Aber

## AMLWCH.

Cawell, southward, along the boundary of the parish of Almwch to the point called Croes Eilian; thence along the Plas Dulas road to the point called Penllaethdy Mawr; thence along the road leading to Pentre Felin, across the Llanerch-y-medd road, to the point called Pentre Felin Adda cross roads; thence along a road towards Pary's farm to the point at which the same is met by the first bye road on the right leading to Bod-gadfa farm; thence along the said bye road, passing Bod-gadfa farm, to the point at which the same bye road is crossed (between Bod-gadfa farm and a cottage called Yr-hen Odyn) by the Lastre brook; thence along the Lastre brook, crossing the Holyhead road, to the point at which the same brook falls into the river called Afon Park Llechog; thence along the Afon Park Llechog to a ford in the Cemmaes road called Rhyd-carreg-cath; thence along the Cemmaes road to the cottage called Bryn-y-Cyll, at which the same road is met by the church pathway; thence along the church pathway to the stile over a brook which divides the land of the Marquis of Anglesea from the Coed Helen and Lysdulas property, and which stile is close by a spring called Ffynnon Casyris; thence along the last-mentioned brook to the point at which the same is met by a boundary fence (a few yards north of a cottage called Cae-bach) running in the direction of Mona mill; thence along the said fence to the point at which the same cuts the Porth Llechog road; thence, towards Amlwch, along the Porth Llechog road to the point at which the same is met by the Ffynnon-y-Garreg-fawr pathway; thence along the Ffynnon-y-Garreg-fawr pathway to the spring called Ffynnon-y-Garreg-fawr; thence along the stream which proceeds from the said spring to the point at which the same stream falls into the sea; thence along the sea to the point first described.

## BEAUMARIS.

The old borough of Beaumaris.

From that part of the common called "The Towyn," on the south-east of the town, which is nearest to Holyhead common, along the road leading to Penrhos which adjoins the towyn, (and is to the east of a cottage called "Pen-Towyn," occupied by John Davis,) to the point at which the said road to Penrhos is met by another road leading to a piece of waste land called "The Cyttir;" thence along the said road to the cyttir to the point at which the same meets the road which leads across the cyttir; thence along the said road across the cyttir to the point at which the same meets the old Post road to Bangor; thence along the old Post road to Bangor to Pentraeth; thence along the road which leads from

## HOLYHEAD.

Pentraeth in a westerly direction, and south of the new brewery, to the point at which the same joins another road; thence, northward, along the road so joined to the point at which the same meets the Penrhos foila road; thence along the Penrhos foila road to the point at which the same meets the road which leads by the Ucheldre windmill to the south stack; thence along the said road to the south stack, including the messuage, with the offices and garden thereunto belonging, now in the occupation of Captain Colin Jones, to the westernmost point (near a cottage called "Cerrig-y-lloi") at which the same is crossed by a stream running from the Holyhead mountain; thence along the said stream to the point at which the same falls into the sea; thence along the sea coast to that point thereof which is nearest to the point first described; thence in a straight line to the point first described.

## LLANGFNÍ.

From the point at which the boundary wall between the property of Admiral Lloyd and the property of Owen Williams esquire meets the old Bangor road, east of a cottage called Min'ford, along the said boundary wall to the point at which the same reaches a spring and a footpath called Llwybyr Tregarnedd-bach; thence along a hedge which, running from the said spring and footpath, forms a continuation of the line of the said boundary wall, and runs through the land of John Hampton Lewis esquire, to the point at which such hedge meets the river Cefni; thence, southward, along the river Cefni, to the point at which the same is met by the boundary of the parish of Llangefni; thence, westward, along the boundary of the parish of Llangefni to the point at which the same meets the bye road called Llidiart-y-Pandy; thence along the said bye road Llidiart-y-Pandy to the spot called Croes-lon-pen-y-Nant; thence, southward, along the Market road to the point at which the same joins the Rhos-y-meirch road; thence along the Rhos-y-meirch road to the first point at which the same is cut (beyond the road leading to Clai) by hedges running from each side of the road at right angles; thence along the hedge which runs from the last-mentioned point towards Pencraig to the point at which the same reaches an old quarry; thence along a hedge which proceeds from the said old quarry, and forms a continuation of the hedge last described, passing Tyn-y-coed farm, to the point at which the same hedge cuts the Llanddyfnan road; thence along the Llanddyfnan road, towards Llanddyfnan, to the point at which the same meets the boundary of the Pencraig-fawr farm; thence, southward, along the boundary of the Pencraig-fawr farm to the point at which the same meets the old Bangor

road ; thence along the old Bangor road to the point first described.

## 42.—COUNTY OF BRECON.

BRECON.

{ The old borough of Brecon, and the extra-parochial districts of the Castle and Christ's College.

## 43.—COUNTY OF CAERMARTHEN.

## CAERMARTHEN DISTRICT.

CAERMARTHEN.

The old borough of Caermarthen.

LLANELLY.

{ From the point in Wern-y-Goosy meadow on the north-west of the town at which the old course of the stream, which is the old borough boundary, makes a sharp turn, in a straight line to the southern extremity of the western fence of Cae Mawr Issa field ; thence, northward, along the fence of the Cae Mawr Issa field to the point at which the same meets the wall which is the western boundary of Furnace garden ; thence along the said wall to the point at which the same meets Pen-y-Fai lane ; thence along Pen-y-Fai lane to the point at which the same meets the Caermarthen road ; thence in a straight line to the north-western corner of the garden of Cae Mawr cottage, lately burnt down ; thence along the fence which divides the garden of Cae Mawr cottage and the field Cae Isha from the field Cae-ycha to the point at which the same meets the fence which divides the field Cae-ycha from the field Cae-bank ; thence along the last-mentioned fence to the northern corner of the field Cae-bank ; thence in a straight line through the southern extremity of the north-eastern boundary of the field Cae-bank, across the tramroad, to the old borough boundary ; thence, eastward, along the old borough boundary to the point first described.

## 44.—COUNTY OF CARDIGAN.

## CARDIGAN DISTRICT.

ABERSYTWITH.

{ From the outermost point of the rock Graig-lais on the sea coast visible from the point next described, in a straight line to the northern extremity of the stone wall which divides the land called Pant-y-gyrn from the land called Frôn ; thence along the said wall to the point at which the same meets the wall which divides the land Pant-y-gyrn from the land Frôn-uchaf ; thence, eastward, along the boundary of Frôn-uchaf to the turnstile at the south-eastern corner thereof ; thence in a straight line to



	{ the mill in the tanyard near the road leading to Llanbaddarn-fawr; thence in a straight line to the wooden dam just above Plas-greig; thence, southward, along the boundary of the old borough to the sea coast; thence along the sea coast to the point first described.
ADPAR.	{ The old borough of Adpar and the hamlet of Emlyn in the parish of Cennarth.
CARDIGAN.	{ The old borough of Cardigan, and also Bridgend hamlet and Abbey hamlet in the parish of Saint Dogmel in the county of Pembroke.
LAMPETER.	{ From the point on the Creithin-brook at which the northern boundary of the glebe meets the boundary of the old borough, along the northern boundary of the glebe to the point at which the same meets again the boundary of the old borough; thence, northward, along the boundary of the old borough to the point first described.

## 45.—COUNTY OF CARNARVON.

## CARNARVON DISTRICT.

BANGOR.

{ From the point on the north-east of the town at which the road from the park wall of Penrhyn castle to the Menai straits joins the Menai straits at the high-water mark, along the said road to the point at which the same meets the said park wall; thence, westward, along the said park wall to the entrance gate to Lime grove; thence in a straight line across the road to the nearest point in the boundary wall immediately opposite, which bounds a field belonging to Lime grove; thence along the said boundary wall to the point at which the river Cegin enters the grounds of Penant esquire; thence along the river Cegin to the bridge across the Shrewsbury road; thence in a straight line to a square brick seat or monument situate on a knoll in a field called Cae Pant; thence in a straight line to the nearest point of the road to Felin Esgob; thence in a straight line to the nearest point of the road to Brynniau; thence in a straight line to the point at which the road from Bangor to the Menai bridge leaves the road from Bangor to Carnarvon; thence along the said road to the Menai bridge, in the direction of such bridge, to the gate on the right-hand side which opens into an occupation road leading to Penrallt; thence in a straight line to the point at which the low-water mark in the straits of Menai would be cut by a straight line to be drawn from the gate last described to the windmill called Llandegfan mill, which is on the opposite side of

the straits; thence along the said low-water mark to the point thereof which is nearest to the point first described; thence in a straight line to the point first described.

- CARNARVON. - The old borough of Carnarvon.
- CONWAY. - The old borough of Conway.
- CRICCEITH. - The old borough of Cricceith.
- NEVIN. - The old borough of Nevin.

PWLLHELLI.

From the south-western extremity of the boundary of the old borough on the sea coast, along the boundary of the old borough (leaving the sea coast) to the point at which the same is met by a small stream called "Afongoegen;" thence along the said stream to the bridge called "Sarn, or Pont-penmaen;" thence along the southern branch of the said stream to the point at which the same meets the boundary of the old borough; thence, northward, along the boundary of the old borough to the point at which the same meets a road leading from Deneio church into the Carnarvon road; thence along the said road from Deneio church to the point at which the same is cut by the fence of a field called "Cae Fynnow," in the occupation of Hugh Williams of Bryn Crin; thence along the last-mentioned fence to the point at which the same cuts an occupation road leading from Bryn Crin farmhouse into the Carnarvon road; thence along the said occupation road to the point at which the same joins the Carnarvon road; thence, northward, along the Carnarvon road to the point at which the same is met by a road on the right leading to Abereirch; thence along the said road to Abereirch to the point at which the same meets a road leading from Pwllheli to Tremadoc; thence in a straight line to the sea, at the nearest point; thence, westward, along the sea coast to the point first described.

#### 46.—COUNTY OF DENBIGH.

##### DENBIGH DISTRICT.

- DENBIGH. - The old borough of Denbigh.
- HOLT. - The old borough of Holt.
- RUTHIN. - The old borough of Ruthin.

WREXHAM.

The respective townships of Wrexham Abbot and Wrexham Regis; and also such part of the township of Esclusam-below as is surrounded by the townships of Wrexham Abbot and Wrexham Regis, or one of them.

## 47.—COUNTY OF FLINT.

## FLINT DISTRICT.

ST. ASAPH.

From the point on the north-west of the town at which the boundary of the township of Talar meets the river Elwy, westward, along the boundary of the township of Talar, to the Green Gate bridge over the brook Nant-y-franol; thence along the brook Nant-y-franol to the point at which the same meets the Holyhead road; thence, eastward, along the Holyhead road to the point at which the same is met by the boundary of the township of Talar; thence, eastward, along the boundary of the township of Talar to the point at which the same meets the boundary of the township of Bryn Polin; thence, southward, along the boundary of the township of Bryn Polin to the point at which the same meets the Upper Denbigh road; thence, northward, along the Upper Denbigh road to the point at which the same is met by a road or lane leading to Ysguborgoed; thence along such road or lane leading to Ysguborgoed to the point at which the same meets the river Clwyd; thence along the river Clwyd to the point at which the same is met by the southern boundary of the township of Cyrchynan; thence in a straight line to the point first described.

CAERGWYLE.

- The old borough of Caergwyle.

CAERWYS.

- The old borough of Caerwys.

FLINT.

- The old borough of Flint.

HOLYWELL.

From the boundary stone on the hill Pen-y-bryn, and on the western side of the hedge (which is between the cottage occupied by William Williams and the south-eastern corner of the plantation of Richard Sankey esquire), in a straight line to the boundary stone of the township of Holywell which is on the eastern side of the St. Asaph road; thence in a straight line to a bridge (in the lane leading to and past Greenfield hall) over a watercourse running into the river Dee; thence, eastward, along the said watercourse to the point at which the same meets the boundary of the township of Greenfield; thence, southward, along the boundary of the township of Greenfield to the point at which the same meets the boundary of the township of Holywell; thence along the eastern and southern or exterior boundary of the township of Holywell to the boundary stone first described.

MOLD.

- The township of Mold.

OVERTON.

- The old borough of Overton.

RHUDDLAN.

- The old borough of Rhuddlan.

## 48.—COUNTY OF GLAMORGAN.

## MERTHYR TYDVIL.

From the point on the north of Merthyr Tydvil at which the northern boundary of the hamlet of Gellydeg meets the river called the Great Taff, northward, along the Great Taff, to the point at which the same is cut by the southern fence of Cilsanos common; thence, eastward, along the fence of Cilsanos common to the point at which the same cuts the Brecon road; thence, southward, along the Brecon road to the point at which the same meets the Vainor road; thence, eastward, along the Vainor road to the point at which the same meets a bye road leading to Cefn-coed-y-Cwymner; thence in a straight line to the point at which the Little Taff would be cut by a straight line to be drawn from the point last described to the southern mouth of a culvert on the eastern side of the Little Taff; thence, up the Little Taff, along the boundary of the parish of Merthyr Tydvil to the point at which the Cwm Bargoed stream is joined by a little brook from the Coli ravine; thence in a straight line to the north-eastern corner of the stone fence of Pen-dwy-cae Vawr farm; thence along the road which passes Pen-dwy-cae Vawr farmhouse to the point at which the same meets the mountain track from Dowlais to Quakers yard; thence, southward, along the said track, between the farms of Pen-dwy-cae Vach and Pen-dwy-cae Vawr, to the point at which such track meets a road running nearly due west, by a stone quarry, to Pen-y-rhw Gymra cottage; thence along the last-mentioned road to the point at which the same reaches the southern side of Pen-y-rhw Gymra cottage; thence in a straight line to the point at which the southern boundary of Troed-y-rhw farm meets the Cardiff road; thence along the southern boundary of Troed-y-rhw farm to the point at which the same meets the Great Taff; thence in a straight line to the bridge over the Cardiff canal called Pont-y-nant Maen; thence, northward, along the Cardiff canal to the point at which the same is intersected by the Cwmdu brook; thence along the Cwmdu brook to its source; thence in a straight line drawn due west to the boundary of the parish of Aberdare; thence, southward, along the boundary of the parish of Aberdare to the point at which the same meets the boundary of the hamlet of Gellydeg; thence, eastward, along the boundary of the hamlet of Gellydeg to the point first described.

## CARDIFF DISTRICT.

- CARDIFF. { The old borough of Cardiff; and so much, if any, of either or both of the respective parishes of St. John and Saint Mary as lies without the old borough.
- COWBRIDGE. - The old borough of Cowbridge.
- LLANTRISSENT. - The old borough of Llantrissant.

## SWANSEA DISTRICT.

- ABERAVON. { From the point on the south of the town at which the river Avon falls into the sea, northward, along the eastern boundary of the hamlet of Havod-y-Porth, to that point in a stone fence which is immediately opposite a small round pool; thence along the said stone fence to the point at which the same meets a lane or path leading to a small cottage; thence along such lane or path to the ford across a brook immediately opposite Margam chapel; thence along the road to Dyffrynucha to the point at which the same meets the railroad from the Tai-bach Copper works to Michalston; thence, northward, along the said railroad to the point at which the same crosses a small stream running into the river Avon; thence along the said stream to the point at which the same falls into the river Avon; thence in a straight line to the point at which a stream which runs through the Cwm Bychan ravine falls into the river Avon; thence along the last-mentioned stream to the point at which the same meets the boundary of the parish of Baglan; thence, southward, along the boundary of the parish of Baglan to the point at which the same meets the boundary of the parish of Aberavon; thence, westward, along the boundary of the parish of Aberavon to the point at which the boundary of the old borough leaves the same; thence along the boundary of the old borough to the point at which the same meets the boundary of the hamlet of Havod-y-Porth; thence, southward, along the boundary of the hamlet of Havod-y-Porth to the point first described.

- KENFIG. - The old borough of Kenfig.
- LOUGHOR. - The old borough of Loughor.

{ From the point lowest down the river Neath at which the boundary of the old borough leaves the river Neath, along the boundary of the old borough, leaving the river Neath, to the point at which Caerfwel ditch joins the river Neath; thence along Caerfwel ditch to the point at which the same meets the lane called Heol-morfa; thence along the lane Heol-morfa to the point at which the same joins the high road to Merthyr; thence along the high road to Merthyr to the point at which the road to Pontardawey leaves the same; thence along the road

NEATH.

to Pontardawey to the point at which the same is joined by a lane called Rheol-y-glow; thence along the lane Rheol-y-glow to the point at which the same meets a brook; thence along such brook to the point at which the same meets Rheol-wern-fraith lane; thence along Rheol-wern-fraith lane to the point at which the same is cut by a fence forming the north-western boundary of Cae-canddaw field; thence along the last-mentioned fence to the point at which the same meets the brook running to Nantlyros; thence along the brook running to Nantlyros to the point at which the same joins the canal; thence along the canal to the point at which the same crosses the stream Clydach; thence along the stream Clydach to the point at which the same joins the river Neath; thence along the river Neath to the point first described.

SWANSEA.

From the point at which the northern boundary of the parish of St. John is crossed by the road to Llangefelach church, northward, along the road to Llangefelach church, to the point at which the same is joined by a lane called Rheol-y-cnap; thence along the lane Rheol-y-cnap, and along a lane which is a continuation thereof, and which joins the turnpike road to Neath opposite the Llandwr engine, to the point at which such last-mentioned lane joins the turnpike road to Neath; thence, northward, along the turnpike road to Neath to the point at which the same is joined, between the Dukes Arms public house and a blacksmiths shop, by a road leading towards Clâs Mont farm; thence along the last-mentioned road to the point at which the same is met, opposite the lane from Pen-lan commonly called Pen-lan road, by a track leading to a well head; thence along the said track to the point at which the same reaches the said well head; thence along the stream which flows from the said well head to the point at which the said stream falls into the stream called Nant Velin; thence along the stream Nant Velin to the point at which the same crosses the road which leads from Morriston into the road from Llangefelach church to the bridge over the river Tawey; thence along the said road from Morriston to the point at which the same joins the road from Llangefelach church to the bridge over the river Tawey; thence along the last-mentioned road to the point at which the same reaches the said bridge over the river Tawey; thence, eastward, along the turnpike road to Neath to the point at which the same is met near the Star public house by a lane which leads from the southern extremity of the parish of Llansamlet, over Cilfay hill and by Bon-y-maen, to Llansamlet church;

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thence along the last-mentioned lane to the point at which the same meets the boundary of the hamlet of St. Thomas near Tregwl; thence, eastward, along the boundary of the hamlet of St. Thomas to the point at which the same meets the boundary of the town and franchise; thence, westward, along the boundary of the town and franchise to the point at which the same meets the boundary of the parish of St. John; thence, westward, along the boundary of the parish of St. John to the point first described.

#### 49.—COUNTY OF MONTGOMERY.

##### MONTGOMERY DISTRICT.

##### LLANFYLLIN.

From the southern extremity, on the north-west of the town, of the private road which leads from the Llangynog turnpike road to Bodfach Hall, along the said private road to the point at which the same is met by the boundary of the field Cae Evan Griffith; thence, northward, along the boundary of the field Cae Evan Griffith to the point at which the same meets the boundary of the field Maes Ucha; thence, eastward, along the boundary of the field Maes Ucha to the point at which the same meets the boundary of the field Cae-pella Bwlch-y-llan; thence, northward, along the boundary of the field Cae-pella Bwlch-y-llan to the point at which the same meets the Llangedwyn road; thence along the northern fences of the respective fields Cae Dû, Cae Main, and Cae Dû Mawr, and along the eastern fence of the field Cae Dû Mawr, to the point at which the last-mentioned fence reaches the Derwlwyn wood; thence in a straight line across the Derwlwyn wood to the northern extremity of the eastern fence of Glynie Isá tenement; thence along the eastern fence of Glynie Isá tenement to the point at which the same meets the Brynelldyn road; thence along the Brynelldyn road to the point at which the same reaches Green Hall park; thence, southward, along the boundary of the field Caer Frôn to the point at which the same meets the boundary of the field Caer Gwenithdir; thence, southward, along the boundary of the field Caer Gwenithdir to the point at which the same meets the river Cain; thence along the river Cain to the bridge called Pont-y-Derwlwyn; thence along Pont-y-Derwlwyn lane to the point at which the same meets the Bachie road; thence along the Bachie road to the eastern corner of Garth wood; thence along the south-western fences of the fields Caer Garth and Cyfie Ucha, and of the wood Coed Pen-y-Garth, and, westward, along the southern fence of the field Cae

Gwenith, to the point at which such southern fence cuts the occupation road to Pen-y-Garth farm; thence in a straight line to the eastern extremity of the southern fence of the field Llwyn Bricks; thence, westward, along the boundary of the field Llwyn Bricks to the point at which the same meets the fence of the field Cae Bath; thence, westward, along the fence of the field Cae Bath to the point at which the same meets the brook Abel; thence along the brook Abel to the point at which the same is met by the western fence of the easternmost of the fields respectively called Lower meadow; thence along the western fence of the last-mentioned field to the point at which the same cuts the lane to Tynewydd; thence, northward, along the boundary of the field Llwyn Hir to the point at which the same meets the boundary of the field Cae Mawr; thence, northward, along the boundary of the field Cae Mawr to the point at which the same meets the boundary of the field Cae Bach; thence, eastward, along the boundary of the field Cae Bach to the point at which the same meets the boundary of the field Upper Coed Llan; thence, eastward, along the boundary of the field Upper Coed Llan to the point at which the same meets the boundary of the field Lower Coed Llan; thence, northward, along the boundary of the field Lower Coed Llan to the point at which the same meets the occupation road to Pen Coed Llan; thence in a straight line to the point first described.

From the point on the south-east of the town at which Cwm Jonathan rill crosses the Rhaydr road, southward, along Cwm Jonathan rill, to the point at which the same is met by the hedge on the right hand which is nearest to the point at which Cwm Jonathan rill crosses the cart lane from Ty-coch to Llanidloes; thence along the said hedge to the point at which the same meets the Ty-coch stream; thence along the Ty-coch stream to the point at which the same reaches the Llangurig road; thence, northward, along the Llangurig road to the point at which the same is cut by the nearest hedge on the left hand; thence along the last-mentioned hedge to the point at which the same reaches a water-cut bank; thence, southward, along the said water-cut bank to the point at which the same reaches a hedge running in the direction of the turnpike on the Pymlymon road; thence along the last-mentioned hedge to the point at which the same reaches the river Severn; thence along the river Severn to the point at which the same is cut by a line drawn thereto in continuation of the direction of the hedge on the northern end of Pen-y-Green; thence along the last-mentioned line, and along the hedge in continua-



**LLANIDLOES.**

tion whereof it is drawn, to the point at which such hedge reaches the hedge of Mr. Price's wood; thence in a straight line to the point at which the stream called Cefn Cummere dingle meets the Pen-y-bank road; thence along the Cefn Cummere dingle to the point at which the same joins the Clywedog river; thence, westward, along the boundary of the township of Cilmachallt, to the point at which the same meets a small watercourse which runs along the western edge of Berth Lloyd coppice; thence along the said watercourse to the point at which the same reaches the lane from Llanidloes to Gorn; thence, westward, along the lane from Llanidloes to Gorn to the point at which the same reaches the hedge which runs along the eastern side of the Chapel House; thence along the last-mentioned hedge to the point at which the same reaches Lletty-coch-y-nant brook; thence, westward, along Lletty-coch-y-nant brook to the point at which the same is met on the left hand by a small stream; thence along the last-mentioned stream to the spring from which the same proceeds; thence in a straight line to the nearest point in the road from Llanidloes to the Barn Leasow; thence, westward, along the road from Llanidloes to the Barn Leasow to the point at which the same meets the boundary of the borough of Llanidloes; thence, southward, along the borough of Llanidloes to the point at which the same meets Cwm Jonathan rill; thence along Cwm Jonathan rill to the point first described.

**MACHYNLLETH.**

The township and liberties of Machynlleth; and also that detached part of the township of Isygarreg which adjoins the north-eastern boundary of the township and liberties of Machynlleth.

**MONTGOMERY.**

The old borough of Montgomery.

**NEWTOWN.**

The parish of Newtown, and the respective townships of Hendidley and Gwestydd.

**WELSHPOOL.**

The parish of Pool, and the township of Gungrog Fechan in the parish of Guilsfield, except that part of the township of Cyfronnydd in the parish of Pool which is detached from the main body of such parish.

**50.—COUNTY OF PEMBROKE.****HAVERFORDWEST DISTRICT.**

From the point at which the low-water mark would be cut by a straight line to be drawn thereto from the gate of the fort, through the eastern extremity of the southern wall of the fort, in a straight line to the gate of the fort; thence in a straight line to the north-western

## FISHGUARD.

corner of Parc-y-Morfa meadow; thence along the western fence of Parc-y-Morfa meadow to the south-western corner thereof; thence in a straight line to the highest point of Parc-y-Morfa rock; thence in a straight line to the north-western corner of the fence which divides the Glyn Amel property from the property of Mr. Vaughan; thence, southward, along the said fence of the Glyn Amel property to the point at which the same meets the northern stream of the river Gwaine; thence up the said stream to the point at which the same meets the boundary of the old borough; thence, eastward, along the boundary of the old borough to the point at which the same meets the low-water mark; thence, eastward, along the low-water mark to the point first described.

## HAVERFORDWEST.

From the point at which a straight line drawn from Saint Thomas's church to the gate at the north-eastern corner of the field called Hill park cuts the boundary of the old borough, along such straight line to the said gate; thence in a straight line to the gate which crosses the road leading to Scotch Well House; thence along the last-mentioned road to the point at which the same reaches Scotch Well House; thence along the road which leads by Sandpool into the Cardigan road to the north-eastern corner of Sandpool; thence in a straight line to the cottage of Philip White; thence in a straight line to the left pier of the weir on the river Cleddy; thence along the river Cleddy to the point at which the same would be cut by a straight line to be drawn from Prendergast church to the gate leading from the lane on the north-east of Little Slade farm into the paddock of Little Slade farm; thence in a straight line to the last-mentioned gate; thence in a straight line to the point at which the boundary of the old borough would be cut by a straight line to be drawn from the last-mentioned gate to the point at which the Poorfield road (otherwise called Jury lane) leaves the Saint David's road; thence, westward, along the boundary of the old borough to the point first described.

From the southern end of the turnpike gate house on the Redstone road, westward, along the fence which abuts on the said house and is the northern boundary of a field of which George Harris is tenant and Mr. Thomas Eaton, landlord, to the north-western corner of the said field; thence in a straight line to the north-eastern corner of a field belonging to George Devonald esquire, and bounded on the south by the turnpike road to Haverfordwest; thence along the private road which runs from the last-mentioned field to the point at which the said private road meets the said road to Haverfordwest; thence in a straight line across the said road to Haver-

## NARBERTH.

fordwest to the point at which the same is met by the western boundary of the town moor; thence, southward, along the western and southern boundary of the town moor to the gate of a lane at the south-eastern corner thereof; thence along the said lane to the point at which the same meets the boundary of Narberth churchyard; thence, westward, along the boundary of Narberth churchyard to the south-western corner thereof; thence in a straight line to the point at which the stream from Narberth bridge would be cut by a straight line to be drawn from the point last described to the point at which the road from the parsonage meets the road from Pembroke; thence up the said stream to the point at which the same is joined by the stream from Narberth mill: thence up the stream flowing from Narberth mill to the south-western corner of the field of which Lewis Watkins is tenant and Baron Retzen is landlord; thence, eastward, along the boundary of the last-mentioned field to the point at which the same meets the southern boundary of the field belonging to Mr. Henry Davies, in which there is a turnstile; thence, eastward, along the southern boundary of the said field of Mr. Henry Davies, and the southern and eastern boundary of the adjoining field belonging to George Phillips esquire, to the point at which the eastern boundary of the said field of George Phillips esquire, meets the occupation road leading to Blackalder; thence, eastward, along the occupation road to Blackalder to the point at which the same meets the south-eastern boundary of the easternmost of two contiguous fields of which Mrs. Evans is tenant and Daniel Thomas landlord; thence along the boundary of the last-mentioned field to the point at which the same meets the Carmarthen road; thence in a straight line across the Carmarthen road to the south-eastern corner of the field belonging to John Lewis; thence along the eastern boundary of John Lewis's field to the point at which the same cuts the Cardigan road; thence in a straight line across the Cardigan road to the south-western corner of Jesse's Well House; thence in a straight line to the point at which the fence of the grounds attached to the house called Bloomfield's would be cut by a straight line to be drawn from the point last described to the house called Bloomfield's; thence, westward, along the last-mentioned fence to the point at which the same cuts the Redstone road; thence along the Redstone road to the point first described.

## PEMBROKE DISTRICT.

From the point at which Prix pill falls into the sea, along Prix pill, to the point at which the same is met

## MILFORD.

by the lane coming down by Cwm, and sometimes called Cwm lane; thence along Cwm lane to the point at which the same meets the road from Haverfordwest; thence along the road from Haverfordwest to the point at which the same is met by Priory lane; thence along Priory lane to the point at which the same meets, on the left, a road sometimes called the New road; thence along the New road to the point at which the same meets a lane sometimes called White Lady's lane, leading to a field north of the brewery, sometimes called Haggard field; thence along White Lady's lane to the point at which the same is cut by the fence of Haggard field; thence, northward, along the fence of Haggard field to the north-western corner thereof; thence in a straight line in the direction of the northern fence of Haggard field to Priory pill; thence in a straight line to the white warehouse standing at the head of the rope walk in Hubberstone parish; thence along Spike lane which proceeds from the said white warehouse to the point at which the same meets Conjwick lane; thence along Conjwick lane to the point at which the same meets the lane which was lately part of Point field; thence along the lane lately part of Point field to the point at which the same ends on the common; thence in a straight line through the westernmost point of the fort to the sea coast; thence along the sea coast to the point first described.

The respective parishes of Saint Mary and St. Michael, and also the space comprised within the boundary hereafter described (together with all such parts, if any, of the old borough of Pembroke as lie without the said boundary):

## PEMBROKE.

From the point on the south-west of the town at which the brook called the Taylor's lake meets the boundary of the parish of St. Mary, northward, along the said brook, to the point at which the same joins the pill near Quoit's mill; thence along the said pill to the point at which the same meets the boundary of the parish of St. Mary; thence, eastward, along the boundary of the parish of St. Mary to the point first described.

## TENBY.

- The in-liberty of Tenby.

## WISTON.

- The old borough of Wiston.

## 51.—COUNTY OF RADNOR.

## RADNOR DISTRICT.

## CEFN LLYS.

- The old borough of Cefn Llys.

## KNIGHTON.

- The old borough of Knighton.

## KNUCKLAS.

- The old borough of Knucklas.

## PRESTEIGN.

The ancient lordship, manor, and borough of Presteign, together with such parts, if any, of the township of Presteign, and of the chapelry of Discoyd, as are without the ancient lordship, manor, and borough of Presteign; and also the space included within the following boundary; (that is to say,)

From the point on the north of the town at which Norton brook falls into the river Lug, in a straight line to the point at which the road to Wigmore and Ludlow is met by the road to Kinsham village; thence in a straight line to the point at which the right-hand branch of the Clatter brook falls into the river Lug; thence along the river Lug to the point first described.

## NEW RADNOR.

The old borough of new Radnor.

From the point at which the boundary of the old borough would be cut by a straight line to be drawn from Rhadyr church to the bridge over the Gwynllin brook on the new road to Aberystwith, in a straight line to the said bridge; thence along the Gwynllin brook to the weir or dam head; thence along the southern bank of the mill dam to the point at which the same is cut by the eastern fence of Gwynllin lain field; thence, southward, along the eastern fence of Gwynllin lain field to the gate leading into the yard of the grist mill and woollen manufactory belonging to David Evans; thence along the road which crosses the said yard to another gate at the south-eastern corner thereof; thence in a straight line to the north-eastern corner of the farmhouse called Ty-Newidd or New House; thence in a straight line to the point at which the boundary of the old borough would be cut by a straight line to be drawn from the New House to the bridge over the river Wye; thence, southward, along the boundary of the old borough to the point first described.

## RHAYDRGWY.

## CHAPTER LXV.

AN ACT to amend the Representation of the People in Scotland. [1<sup>a</sup>]

[17th July 1832.]

**W**HEREAS the laws which regulate the election of members to serve in the Commons House of Parliament for Scotland are defective, whereby great inconveniences and abuses have been occasioned: And whereas it is expedient, and would be for the evident utility of the subjects within Scotland,

[<sup>a</sup> This Act is rep., 5 & 6 Will. 4. c. 78. s. 13., in all cases in which its provisions are inconsistent with that Act, and in so far as is necessary to give effect to the true intent and meaning of that Act.

The clauses and provisions of this Act enacted for the purpose of forming registers of persons entitled to vote in the election of members to serve in Parliament for burghs in Scotland, are rep., 19 & 20 Vict. c. 58. s. 1.; and the clauses and provisions enacted

that those defects should be remedied, and especially that members should be provided for places hitherto unrepresented, and the right of election extended to persons of property and intelligence, and that the mode of conducting elections should be better regulated and ordered: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the end of this present Parliament, and in all future Parliaments to be assembled, there shall be fifty-three representatives returned for Scotland to the Commons House of Parliament, of whom thirty shall be for the several or conjoined shires or stewartries herein-after enumerated, and twenty-three for the several cities, burghs, and towns, or districts of cities, burghs, and towns, herein-after enumerated or described.

Scotland to have fifty-three representatives in the House of Commons; thirty for counties, and twenty-three for burghs or districts of burghs. Burghs of Peebles and Selkirk to be parts of counties of Peebles and Selkirk; and burgh of Rothsay to be part of Bute.

II. AND be it enacted, that after the end of this present Parliament the burghs of Peebles and Selkirk shall no longer form parts of the district to which they now belong, or be entitled to contribute with any other burghs in the election of any member of Parliament, but shall, in the matter of elections, be held to be parts of the counties of Peebles and Selkirk respectively; and in like manner that the burgh of Rothsay in the county of Bute shall no longer form part of the district to which it now belongs, but be held, in the matter of elections, to be part of the county of Bute.

III. AND be it enacted, that of the thirty members hereafter to be returned to Parliament by the separate or combined shires of Scotland, one shall always be returned by each of the separate shires or parts of shires enumerated in the schedule (A.) hereunto annexed, and one by each two of the combined shires or parts of shires enumerated and described in schedule (B.) hereunto annexed: Provided always, that all properties lying locally within the limits of any county or shire, though hitherto constituting part of some other county, shall, for the purposes of this Act, be held to be part of the county within which they are locally included.

Enumeration in schedules (A.) and (B.) of counties to return members severally or jointly.

Properties to be part of county in which they are situate.

IV. AND be it enacted, that of the twenty-three members to be returned for the several or combined cities, burghs, and towns of Scotland, two shall always be returned by each of the separate cities, burghs, and towns enumerated and described in schedule (C.) hereunto annexed, one by each of the separate cities, burghs, and towns enumerated and described in schedule (D.) hereunto annexed, and one by each of the districts or sets of cities, burghs, and towns enumerated and described in schedule (E.) hereunto annexed.

Enumeration in schedules (C.), (D.), and (E.) of burghs and districts of burghs to return members severally or jointly.

V. AND be it enacted, that the limits and boundaries of all the cities, burghs, and towns enumerated in any of the above-mentioned schedules shall, for the purposes of this Act, be taken and held to be according to the descrip-

Boundaries of cities, burghs, and towns to be as set forth in schedule (M.).

for the purpose of forming registers of persons entitled to vote in the election of members to serve in Parliament for counties in Scotland, are rep., 24 & 25 Vict. c. 83. s. 3., except as to any registration theretofore made, and in so far as the same may be necessary to give effect to the provisions of that Act.

All provisions of this Act as to any payments hereby required to be made in burghs by any persons claiming to be registered or to vote, or objecting to the claims of persons claiming to be registered or to vote for any burgh, are rep., 19 & 20 Vict. c. 58. s. 33.

All enactments in force regarding appeals from the judgments of sheriffs in registration courts for counties and burghs, are rep., 31 & 32 Vict. c. 48. s. 22.]

Rules for the  
construction of  
the descriptions  
contained in  
schedule (M.).

tion and specification of such limits and boundaries set forth and contained in schedule (M.) to this Act annexed; and all the properties within the boundaries therein specified shall hereafter, for the purposes of this Act, be parts of the said cities, burghs, and towns, and not of the adjoining or of any other county: Provided always, that the following rules shall be observed in the construction of the several descriptions of boundaries contained in the said schedule (M.) hereunto annexed; (that is to say.)

- 1.—That the words “northward,” “southward,” “eastward,” “westward,” shall respectively be understood to denote only the general direction in which any boundary proceeds from the point last described, and not that such boundary shall continue to proceed throughout in the same direction to the point next described:
- 2.—That when any road is mentioned merely by the name of the place to which such road leads, the principal road thither from the city, burgh, or town of which the boundary is in course of description shall be understood:
- 3.—That whenever a line is said to be drawn from, to, through, or in the direction of, or any distance to be measured from or to, an object, such line shall, in the absence of any direction to the contrary, be understood to be drawn from, to, through, or in the direction of, or such distance to be measured from or to, the centre of such object, as nearly as the centre thereof can be ascertained:
- 4.—That every building through which or through any part whereof any boundary hereby established shall pass shall be considered as within such boundary: Provided always, that if the boundaries of any two or more of the cities, burghs, and towns, whereof the boundaries are hereby described, shall pass through the same building or any part thereof, such building shall be considered as within that one of such two or more of the said cities, burghs, and towns which was before the passing of this Act entitled to return members or a member to serve in Parliament; or if neither or more than one of such two or more of the said cities, burghs, and towns shall have been so entitled, then within that one of them whereof the area as hereby established is the smallest:
- 5.—That whenever any boundary by this Act established is said to pass, or any distance to be measured, along any street, road, lane, or loaning, or up, down, or along any river, stream, canal, or burn, the middle (as nearly as the same can be ascertained) of such street, road, lane, loaning, river, stream, canal, or burn shall be understood:
- 6.—That the middle of any street, road, or lane shall be understood as the middle of the carriageway along the same:
- 7.—That when any boundary by this Act established is said to proceed, or any distance to be measured, along a street, road, or lane, or up, down, or along a river, from or to an object, such boundary shall be understood to proceed, or such distance to be measured (as the case may be), from or to that point in the middle of such road, lane, or river from which the shortest line would be drawn to the centre of such object, as nearly as the centre thereof can be ascertained:

- 8.—That the point at which any wall, march, boundary, street, road, lane, loaning, avenue, railway, walk, path, river, stream, canal, or burn is said to meet, join, cross, reach, or leave any march, boundary, street, road, lane, loaning, avenue, railway, walk, river, stream, canal, or burn, shall be understood as that point at which a line passing along the middle of the march, boundary, street, road, lane, loaning, avenue, railway, walk, river, stream, canal, or burn so met, joined, crossed, reached, or left, would be intersected by a line drawn along the middle of the wall, march, boundary, street, road, lane, loaning, avenue, railway, walk, path, river, stream, canal, or burn so meeting, joining, crossing, reaching, or leaving, if such line were prolonged sufficiently far; and that the point at which any burn or river joins any firth or the sea shall be understood as that point at which a line passing along the low-water mark of such firth or the sea would be cut by a line to be drawn along the middle of such burn or river, if such line were prolonged sufficiently far; and that the point at which a burn or feeder joins a loch shall be understood as that point at which a line drawn along the shore of such loch would be cut by a line drawn thereto along the middle of such burn or feeder:
- 9.—That when a line is said to be drawn to a road, lane, river, stream, or canal, such line shall be considered as prolonged to the middle of such road, lane, river, stream, or canal:
- 10.—That by the words “sea” and “shore” shall be understood the low-water mark:
- 11.—That if any deficiency shall be found to exist in the line of any boundary described in the said schedule to this Act annexed, by reason of the intervention of any space between any two immediately consecutive points, such deficiency shall be supplied by a straight line to be drawn from the one to the other of such two immediately consecutive points.

VI. AND be it enacted, that from and after the passing of this Act no person shall acquire, by succession, purchase, gift, or otherwise, the right of voting for a member of Parliament, either in shires, or in cities, burghs, or towns, except by one or other of the qualifications herein-after prescribed and directed: Provided always, that all persons who at the passing of this Act shall be lawfully on the roll of freeholders of any shire in Scotland, or who shall then be entitled to be put on such roll, or who shall previous to the first day of March one thousand eight hundred and thirty-one have become the owners or superiors of lands affording the qualification for being so enrolled, shall, so long as they retain the necessary qualification on which they are now enrolled or are entitled to be enrolled as aforesaid, be entitled to be registered and to vote as herein-after directed in the election of a member for such shire.

None hereafter to acquire votes, except by qualifications herein-after provided; but freeholders now enrolled or entitled to be enrolled in shires to be entitled to vote while they retain their qualification.

VII. AND be it enacted, that from and after the passing of this Act every person, not subject to any legal incapacity, shall be entitled to be registered as herein-after directed, and thereafter to vote at any election for a shire in Scotland, who, when the sheriff proceeds to consider his claim for registration in the present or in any future year, shall have been, for a period of not less than six calendar months next previous to the last day of August in the present or the last day of July in any future year, the owner (whether he has made up his titles, or is infeft, or not,) of any lands, houses, feu duties, or

Qualification of county voters.



other heritable subjects (except debts heritably secured) within the said shire; provided the subject or subjects on which he so claims shall be of the yearly value of ten pounds, and shall actually yield or be capable of yielding that value to the claimant, after deducting any feu duty, ground annual, or other consideration which he may be bound to pay or to give or account for as a condition of his right; provided he be, by himself, his tenants, vassals, or others, in possession of the said subjects, and be either himself in the actual occupation or in receipt of the profits and issues thereof to the extent above mentioned: Provided always, that where the whole profits and issues of any such subject do not arise annually, but at longer intervals, the worth and amount of such occasional profits shall be taken into computation in estimating the annual value: Provided also, that where any property which would entitle the owner to be registered and to vote as above shall come to any person, within the said period of six months, by inheritance, marriage, marriage settlement, or mortis causa disposition, or by appointment to any place or office, such person shall be entitled to be registered on the first occasion of making up the lists of voters, as herein-after provided, next following such succession or acquisition.

Rule as to  
life-renters  
and fiars and  
joint owners;

VIII. AND be it enacted, that in elections for shires, where two or more persons are interested in any subject to which a right of voting is for the first time attached by this Act, as life-renter and as fiar, the right of voting shall be in the life-renter, and not in the fiar; and all co-proprietors or joint owners shall be entitled each to vote in respect of their joint property within the shire, provided the share or interest of each joint owner so claiming on such property is of the yearly value of ten pounds, as above specified, but not otherwise: Provided also, that husbands shall be entitled to vote in respect of property belonging to their wives, or owned or possessed by such husbands after the death of their wives by the courtesy of Scotland.

and as to  
husbands  
voting in right  
of their wives'  
property.  
Tenants hold-  
ing under  
leases of a  
certain de-  
scription en-  
titled to vote  
for counties.

IX. AND be it enacted, that tenants in lands, houses, or other heritable subjects shall also be entitled to be registered, and to vote at elections for the shires in which the said heritable subjects are situated, provided each tenant (whether joint or several), when the sheriff proceeds to consider his claim for registration, shall, for a period of not less than twelve months next previous to the last day of August in the present or the last day of July in any future year, have held such subjects or tenements, whether in his personal possession or not, under a lease or leases, missive of lease, or other written title, for a period of not less than fifty-seven years (exclusive of breaks), at the option of the landlord, or for the life-time of the said tenant, where the clear yearly value of such tenant's interest, after paying the rent and any other consideration due by him for his said right, is not less than ten pounds, or for a period of not less than nineteen years where the clear yearly value of such tenant's interest is not less than fifty pounds, or where such tenant shall, for the foresaid period of twelve months, have been in the actual personal occupancy of any such subject, where the yearly rent is not less than fifty pounds, or where the tenant, whatever the rent may be, has truly paid for his interest in such subject a price, grassum, or consideration of not less than three hundred pounds: Provided always, that where, in any of these cases, the rent is payable in whole or in part in grain, the value shall be estimated according to the average fiars of the counties in which the heritable subjects are situated for

Rent payable  
in grain or  
other produce  
how to be  
valued.

the three preceding years, and where payable in any other species of produce, according to the average market prices of the neighbourhood for the same period; and the said values being once so fixed at the time of registering or refusing to register shall be held as settled for the whole period of the lease: Provided also, that where the right to any such lease as would entitle the tenant to be registered and to vote as herein-before provided shall come to any person, within the preceding twelve calendar months above specified, by inheritance, marriage, marriage settlement, or mortis causa disposition, such person shall be entitled to be registered on the first occasion of making up the lists of voters, as herein-after provided, next following such succession or acquisition: Provided also, that no sub-tenant or assignee to any sub-lease for fifty-seven or nineteen years shall be entitled to be registered or to vote in respect of his interest under such lease, unless he shall be in the actual occupation of the premises thereby set.

X. AND be it enacted, that from and after the end of this present Parliament the members who are to be returned to serve in any future Parliament for any single city, town, or burgh, on which the right of returning a member or members is by this Act conferred, shall no longer be elected by the town councils of such cities, burghs, or towns, but directly by the several individuals on whom the right of electing such members to serve in Parliament is by this Act conferred; and where the election is by districts or sets of cities, burghs, or towns conjoined, the right of electing shall no longer be in the town councils or corporations of the said cities, burghs, or towns, or in delegates appointed by them, but in the individual voters on whom the right of election is by this Act conferred; and the member to serve in Parliament for any such district shall be returned according to the majority of individual votes given in the whole district.

Right of voting for burghs and districts of burghs no longer to be in town councils and delegates, but in individual voters.

XI. AND be it enacted, that every person, not subject to any legal incapacity, shall be entitled to be registered as herein-after directed, and to vote at elections for any of the cities, burghs, or towns, or districts of cities, burghs, or towns, herein-before mentioned, who, when the sheriff proceeds to consider his claim for registration, shall have been, for a period of not less than twelve calendar months next previous to the last day of August in the present or the last day of July in any future year, in the occupancy, either as proprietor, tenant, or life-renter, of any house, warehouse, counting-house, shop, or other building, within the limits of such city, burgh, or town, which, either separately or jointly with any other house, warehouse, counting-house, shop, or other building within the same limits, or with any land owned and occupied by him, or occupied under the same landlord, and also situate within the same limits, shall be of the yearly value of ten pounds: Provided always, that the claimant shall have paid, on or before the twentieth day of August in the present or the twentieth day of July in any future year, all assessed taxes which shall have become payable by him in respect of such premises previously to the sixth day of April then next preceding: Provided also, that no such person shall be entitled to be registered or to vote in the present or any future year, unless he shall have resided for six calendar months next previous to the last day of August in the present or the last day of July in any future year within such city, burgh, or town, or within seven statute miles of some part thereof: Provided also, that persons so resident shall be entitled to be regis-

Qualification of voters in cities, burghs, and towns.

Qualification  
of husbands in  
right of their  
wives.  
Disqualifica-  
tion by receipt  
of parochial  
relief.

tered and to vote if they are the true owners of such premises as are herein-  
before mentioned, within such city, burgh, or town, of the yearly value of ten  
pounds or upwards, although they should not occupy any premises within its  
limits, or although the premises actually occupied by them should be of less  
yearly value than ten pounds; and that the husbands of such owners shall be  
entitled to vote, either in the lifetime of their wives, or after their death, if  
then holding such property by the courtesy of Scotland: Provided also, that  
no person shall be entitled to be registered or to vote for any city, burgh, or  
town, who shall have been in the receipt of parochial relief within twelve  
calendar months next previous to the last day of August in the year one  
thousand eight hundred and thirty-two, or next previous to the last day of  
July in any succeeding year.

Provision as  
to premises  
occupied in  
succession,  
and as to joint  
occupants.

XII. AND be it enacted, that the premises in respect of which any person  
shall be deemed entitled to be registered, and to vote in the election for any  
city, burgh, or town, or district, shall not be required to have been the same  
premises for the whole twelve months of his occupancy, but may be different  
premises (but always of the requisite value) occupied in succession by such  
person; provided always, that such person shall have paid all the assessed  
taxes legally exigible from him in respect of all such premises; and that where  
such premises shall be of the yearly value of twenty pounds or upwards, and  
shall be jointly occupied by more than one person, each of such joint occupiers  
shall be entitled to be registered and to vote, provided his share and interest  
in the same shall be of the yearly value of ten pounds or upwards.

Persons claim-  
ing the right  
to vote in  
counties to  
give in claims  
to the parish  
schoolmasters.

XIII. AND be it enacted, that on or before the twentieth day of August in the  
present year every person claiming right to vote, under any of the qualifications herein-  
before specified, at any election of a member to serve in Parliament for any county in  
Scotland, shall give in a claim, subscribed by himself or his agent, to the schoolmaster  
of that parish of the county within which the property (or the greater part of it) on  
which he claims is situate, or in case of the incapacity of such schoolmaster, or of the  
office being vacant, to any person actually officiating as such schoolmaster, or to the  
schoolmaster of the next adjoining parish whose residence is nearest to the vacant  
school, which claim shall be in the form of the first part of the schedule (F.) to this Act  
annexed, [Rep., 24 & 25 Vict. c. 83. s. 3.] . . . . . Provided always,  
that the parishes of Tulliallan, Culross, and Logie in the county of Perth, and  
the parish of Alva in the county of Stirling, shall, for the purposes of this Act,  
be held to form parts of the county of Clackmannan; and the parishes of  
Muckhart and Fossoway in the county of Perth shall, for the purposes of this  
Act, be held to form parts of the county of Kinross; and all claims and  
objections and titles relating to properties situate in any of these parishes shall  
be delivered or transmitted to the sheriff clerks of Clackmannan and Kinross  
respectively; and that all claims, objections, and titles relating to properties in  
the several districts of Orkney and Shetland shall be delivered or transmitted  
to the sheriff clerks of Orkney and of Shetland respectively.

Proviso as to  
certain  
parishes;

and as to  
Orkney and  
Shetland.

Sheriffs to  
hold courts  
and decide on  
claims.

XIV. AND be it enacted, that each sheriff shall, between the twelfth day of Sep-  
tember and the fifteenth day of October in the present year, examine and decide upon  
the merits of all claims for registration within his county; and that for this purpose the  
sheriffs of the counties of Aberdeen, Ayr, Argyle, Fife, Inverness, Lanark, Forfar,  
Perth, Renfrew, and Ross and Cromarty shall hold open courts during this period at  
not less than three several towns or places in their said counties, including therein such  
towns or other places where the sheriffs or their substitutes have been in use to hold  
their ordinary courts, where there are such places; and the sheriffs in all the other  
counties shall hold open courts at not less than two several places, which places shall be  
so selected as to be most convenient for the claimants in the different districts of the

said counties ; and each sheriff shall, on or before the fifteenth day of August in the present year, deliver to the sheriff clerk a written notice of the days, within the period above mentioned, on which he is to hold his courts for the purpose of such registrations at each of the said places in the county, copies of which notice shall be transmitted by the sheriff clerks to each of the town clerks and parish schoolmasters in the county on or before the eighteenth day of the said month of August. [Rep., 19 & 20 Vict. c. 58. s. 1. ; 24 & 25 Vict. c. 83. s. 3.]

XV. AND be it enacted, that on or before the said twentieth day of August in this present year every person claiming a right to vote for a member or members to serve in Parliament for any city, burgh, or town, or district of cities, burghs, or towns, in Scotland, shall give in a claim subscribed by himself or his agent, and accompanied by such written title as he may choose to produce, to the town clerk of the city, burgh, or town within which the premises in respect of which he so claims are situate, provided there be at the time a town clerk appointed and officiating for such town, which claim shall be in all respects in the same form as is herein-before directed as to claims to vote for a county, and shall be issued, received back, marked, and entered in a book or register by the town clerk on the same terms and in the same manner in all respects as the claims for county votes are herein-before directed to be issued, received back, marked, and entered by the several parish schoolmasters and sheriff clerks of each county: Provided always, that where the limits of any city, burgh, or town, as described in the schedule (M.) to this Act annexed, shall include the whole or part of any other burgh or town, the whole claims arising within such limits shall be given in to the clerk of the principal city, burgh, or town specified and described in such schedule, and not to the clerks of any of the subordinate burghs or towns partly or wholly included within the said limits: Provided also, that where there is no town clerk in any such burgh or town, the claims made in respect of properties situate in such burgh or town shall be given in to a person resident within such burgh or town, to be nominated by the sheriff of the county within fifteen days after the passing of this Act. [Rep., 19 & 20 Vict. c. 58. s. 1.]

Claims to vote in burghs to be given in to town clerk.

XVII. AND be it enacted, that upon the twelfth day of September in this present year each sheriff clerk and each town clerk of any city, burgh, or town within any one county, or any two counties or parts of counties united for the purposes of this Act, shall lay before the sheriff the several claims and objections which have been received by any of the said clerks, together with the titles or documents which may have been lodged along with any of those claims; [Rep., 19 & 20 Vict. c. 58. s. 1. ; 24 & 25 Vict. c. 83. s. 3.]

Claims, objections, and titles to be laid before sheriff.

XX. AND be it enacted, that on or before the fifteenth day of October in the present year each sheriff clerk shall complete his alphabetical lists or registers of voters for the county: Provided always, that on or before the said fifteenth day of October each sheriff clerk, being the keeper of the roll of freeholders for the county of which he is clerk, shall transfer the names of all the freeholders standing on such roll after the passing of this Act to the said lists or registers of voters, without requiring any claim to be presented on behalf of such freeholders; and if any election shall take place for such county before the said register shall be corrected at the next yearly revisal, as herein-after provided, the votes at this first election shall be taken according to this first alphabetical register, an authenticated copy or copies of which shall accordingly be sent for this purpose to each of the polling places appointed for the county: Provided always, that at all future elections which shall take place after the yearly correction of such registers, the votes shall be taken according to the last completed register, as herein-after mentioned. [Rep., 24 & 25 Vict. c. 83. s. 3.]

County registers to be completed.

XXI. AND be it enacted, that on or before the twelfth day of October in the present year each town clerk shall complete his alphabetical list or register of votes for the city, burgh, or town of which he is clerk; and that wherever such city, burgh, or town is one of a district contributing with other burghs for the return of a member to Parliament, and is not the burgh at which the writ is to be proclaimed and the election held, the town clerk shall, within three days after the said twelfth day of October, make up and transmit an authenticated copy or duplicate of such list or register to the town clerk of the city, burgh, or town at which it is herein-after provided that the election shall take place; and the town clerk of the said principal or returning burgh, after having

Burgh registers to be completed.

received such duplicates from the other burghs of the district, shall forthwith combine and reduce the whole into one list or register of voters for the whole district, those for each burgh being always kept together, to be kept by him in the said principal burgh, for the purpose of reference and inspection; and if any election shall take place for such district before the said registers shall be corrected at the next yearly revisal, as herein-after provided, the votes at such elections shall be taken in each burgh according to their first alphabetical register for such burgh, the originals or authenticated copies of which shall accordingly be sent to each of the polling places that may be appointed in each such burgh: Provided always, that in all future elections the votes shall be taken according to the last completed and corrected register, as herein-after enacted. [Rep., 19 & 20 Vict. c. 58. s. 1.]

Sheriffs shall  
annually revise  
and correct  
their registers.

XXII. AND be it enacted, that each sheriff shall once every year after the present year examine and correct his said registers; and each sheriff clerk and town clerk within the county shall for this purpose, in the month of June and between the tenth and twentieth days thereof in every such future year, give public notice, by advertisements affixed to the church doors of all the country, burgh, and town churches within the shire respectively, and also, if they shall see cause, by advertisement in the newspaper of greatest reputed circulation in the shire, to all persons intending to claim to be registered, or to object to the title of any voter already on the register, to give in their several claims, titles, and objections to the schoolmasters and town clerks, as such claims, titles, and objections respectively are by this Act directed or authorized to be given in, and that in the forms already provided by schedules (F.) and (H.) to this Act annexed, on or before the twentieth day of July then next ensuing, after which no such claims or objections shall be received; and when the new claims are so given in, the schoolmasters, and the sheriff and the sheriff clerk, and several town clerks, within each county, shall deal with and dispose of them in the same order and manner, both as to publication of the claims and notices to objectors, and as to the periods or intervals at which they shall severally be received, notified, and disposed of, as is above provided with regard to the first or original claims for registration under this Act; (that is to say,) that in so far as relates to claimants for counties, the several schoolmasters shall affix the lists of such new claimants, with the notices herein-before directed, to the church doors on or before the twenty-fourth day of July in each such year; that all objections to such claims shall be given in to such schoolmasters on or before the fifth day of August thereafter; that the claims and objections shall be delivered or transmitted to the sheriff clerks on or before the eighth day of the said month of August in each such year, the claimants being at liberty to lodge their written titles with the sheriff clerk at any time previous to the tenth day of the said month; and that the whole claims, objections, and titles shall be laid before the sheriff on or before the twelfth day of that month, who shall decide upon their merits between that day and the fifteenth day of September thereafter; and that, in so far as regards claimants in burghs, the several town clerks shall affix the lists of new claimants, with the notices herein-before directed, to the church doors of their burghs on or before the twenty-sixth day of July in each such year; that the objections to such claims shall be given in on or before the tenth day of August thereafter; and that the whole claims, objections, and titles shall be laid before the sheriff on or before the twelfth day of the said month of August, who shall examine and decide upon the same on or before the fifteenth day of September in each such year; the said sheriffs always proceeding to three or to two several places, as above provided, in their several counties, and notifying to the sheriff clerk, on or before the fifteenth day of July in each such year, the days at which they are to hold their courts at each of the said places, of which days written notice shall be given by the sheriff clerks to each town clerk and parish schoolmaster in the county on or before the eighteenth day of July in each such year: Provided always, that the sheriffs shall upon this occasion correct any mistakes or omissions which may be pointed out or discovered in the registers in the name, residence, or condition of any person already registered or otherwise; and each sheriff clerk shall for this purpose be obliged to keep a correct copy of the register for the county at some convenient place in the head burgh of the shire (the town of Lerwick in Shetland being held for this purpose the head burgh for that part of the county), and each town clerk shall keep a copy of the register for his burgh at some convenient place in the said burgh, which several registers shall, for a period of ten days next after the twentieth day of June in each year, be open to the inspection of all persons who may desire to see the same, without payment of any fee for such inspection; and each sheriff shall, on or before the

fifteenth day of September yearly, have his said registers finally corrected and completed, and arranged as above directed in the alphabetical order of the voters names, with the several columns of particulars thereto annexed, as in the Schedule (G.) to this Act annexed; and after the said fifteenth day of September no change shall be made by any sheriff on his registers for that year, except only in consequence of the judgment of one or other of the courts of review herein-after provided: Provided always, that in case any of the days herein-before mentioned shall happen to be a Sunday or other holiday on which no business is usually transacted, then and in that case the several acts and proceedings appointed to take place on such days shall take place on the day next ensuing. [Rep., 19 & 20 Vict. c. 58. s. 1.; 24 & 25 Vict. c. 83. s. 3.]

**XXIII.** AND be it enacted, that the sheriff's judgments, granting or refusing registration, shall, so long as they remain unaltered, be conclusive of the rights of parties claiming or objecting as above; but that it shall be competent to any party considering himself aggrieved by any such judgment to appeal, and apply for an alteration thereof, he always giving notice in writing to the sheriff clerk or town clerk, and to the opposite party where the claim has been disputed, of such his intention to appeal, within five days after the judgment complained of, and producing evidence of such notice to the judge of appeal before entering on its merits.

Sheriff's judgments to be liable to review.

**XXVII.** AND be it enacted, that within three months after the passing of this Act each sheriff shall divide his county into convenient districts for polling, following, as nearly as possible, the boundaries of parishes, baronies, or other known subdivisions, and shall appoint a particular polling place for each such district, which place shall be selected so as to be most accessible to the voters in the district; and such polling places . . . shall be so arranged as that no more than six hundred persons or thereabouts shall poll at any election at any one place; and each town clerk shall, in like manner, appoint one polling place in every city, burgh, or town of which he is clerk, in which the number of voters does not exceed six hundred or thereabouts, and shall, wherever the number of registered voters in any such city, burgh, or town shall exceed six hundred or thereby, divide the said city, burgh, or town into convenient districts, and appoint a convenient polling place in each such district, so as that no more than about six hundred persons shall poll at any election at any such place; and each sheriff clerk shall, within fourteen days after the sheriff has so divided his county into districts for polling, make up a distinct list of the said districts and the polling place appointed in each, and shall cause copies of the said lists to be affixed to the doors of all the country parish churches in his county; and each town clerk shall, within the same period, affix lists of the polling place or polling places within his burgh to all the church doors within the same; . . . . . Provided always, that with respect to the contiguous burghs of Anstruther East, Anstruther West, and Kilrenny, the town clerk of Anstruther East shall appoint one polling place within the said burgh of Anstruther East for the whole of the said three burghs, which place shall be notified in manner herein provided, and all the voters in the said three burghs shall poll at the polling place so appointed; and at any contested election the sheriff shall, if required by any of the candidates, direct two or more booths, or halls, rooms, or other places for polling, to be provided at each polling place; and all polls shall be taken, both at elections for shires, and for cities, burghs, and

Sheriffs shall divide their counties into districts for polling, and appoint polling places.

Town clerks shall divide cities and burghs into districts and appoint polling places.

Proviso as to certain burghs.

Polling booths to be provided at contested elections.

Polls to be taken under

superintendence of sheriffs, or substitutes appointed by them.

Writs for elections to be addressed to sheriffs, who shall endorse the day of receipt thereon.

Order of proceedings at elections for counties.

Order of proceedings at elections for cities, burghs, and towns.

Extension of time for return of writ for the election of a member for Orkney and Shetland.

towns, under the superintendence of the sheriff, or of a substitute or substitutes named by him, which substitutes the sheriff is hereby empowered to name at his own discretion, without observing the forms necessary in the appointment of ordinary substitutes receiving salaries; . . . . .

XXVIII. AND be it enacted, that writs for the election of members to serve for shires, or for any city, burgh, or town, entitled to send a member or members for itself, shall be directed as heretofore to the sheriff of the shire; and where the election is for a district of cities, burghs, or towns, a writ shall be directed to the sheriff specified in schedule (L.) hereunto annexed, and shall be proclaimed, as herein-after directed, at the town specified in the said schedule (L.) for each of the said districts respectively; and each sheriff shall endorse on the back of the writ the day on which he received it,

XXIX. AND be it enacted, that on the day named by the sheriff for the election for the shire the sheriff shall repair to the market cross or some other convenient and open place in or immediately adjoining [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)] the county town, and shall there publicly proclaim the writ by reading it; provided always, that the writ for the united counties of Clackmannan and Kinross shall be proclaimed at the town of Dollar; and that the writ for the united counties of Elgin and Nairn shall be proclaimed at the town of Forres; and that the writ for the united counties of Ross and Cromarty shall be proclaimed at the town of Dingwall; . . . . .

XXX. AND be it enacted, that where the election shall be for any city, burgh, or town, or district of cities, burghs, or towns, the sheriff to whom, as herein-before directed, the writ shall have been addressed, shall, on the day and hour previously named by him for such election, repair to the market cross or some other convenient and open place in or immediately adjoining [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)] any town or burgh sending a member by itself, or that town of any district at which, as herein-before directed, the writ for the whole district is to be proclaimed, and shall there publicly proclaim the writ by reading it; and if no more candidates shall be proposed for the choice of the electors than there are vacancies to be filled up, he shall declare the person or persons put in nomination to be duly elected, on a show of hands; it being always competent for any registered voter residing or having his qualification in any other city, burgh, or town of the district to repair to the place where the writ is thus proclaimed, and to put any person in nomination, provided that voter shall first satisfy the sheriff that he is truly registered by producing an extract of his registration, and by taking, if required, the oath in schedule (I.) annexed; but if more candidates shall be proposed than there are vacancies to be filled up, and a poll shall be demanded, the proceedings shall be adjourned for not more than three free days, exclusive of Saturdays and Sundays [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]: Provided always, that in the district including the town of Kirkwall in Orkney the adjournment may be made for any period not exceeding seven free days; . . . . .

XXXI. AND in respect of the remote situation of certain parts of the county of Orkney and Shetland, and the occasional difficulty of communication therewith, be it enacted, that the sheriff of Orkney to whom the writ for the election of a member for the said county shall be addressed at Kirkwall shall, within twenty-four hours after receiving the same, issue a precept to the sheriff substitute in Shetland, fixing a day for the election for the said county, which day shall not be less than twelve nor more than sixteen days after that on which the writ was received, and shall forward or transmit the said precept, with the least possible delay, directly to the said sheriff substitute in

Shetland, who, immediately on receipt thereof, shall announce the day of election by notices on the church doors; and if on the day of election more candidates than one shall be put in nomination and a poll shall be demanded, the sheriff shall then adjourn the proceedings for a period of not less than ten or more than fourteen days, and shall within twenty-four hours dispatch notice of this adjournment to the sheriff substitute of Shetland, as in the case above provided for; and the polling shall commence accordingly at the different polling places in both parts of the county on the day to which the proceedings are adjourned, and shall proceed as herein-after directed, as in other cases of polling.

**XXXII.** AND be it enacted, that no poll at any election, either for a county, or a city, burgh, or town, or district of cities, burghs, or towns, shall be directed to begin on a Saturday, or shall be kept open for more than two consecutive days, and that only between the hours of nine in the morning and four in the afternoon for the first day, and between the hours of eight in the morning and four of the afternoon for the second day: Provided always, that the poll at any one place may be closed before the termination of the said two days if all the candidates or their agents and the sheriff shall agree in so closing it: Provided also, that where the proceedings at any election shall be obstructed by any riot or open violence, the sheriff or his substitute at the place where the riot has occurred may adjourn the poll at that place to the following day or some other convenient time, and if necessary may repeat such adjournment till such obstruction shall have ceased, he always giving notice to the sheriff who is to make the return of such adjournment having been made; and any day where the poll shall have been so adjourned at any polling places shall not be reckoned one of the two days of polling within the meaning of this Act, nor shall the state of the poll be finally declared, nor the result of the election proclaimed, until the poll so interrupted shall be closed and transmitted, as herein-before provided, to the sheriff who is to make the return; and each sheriff in charge of each polling place shall take care that the attending clerk at the place has with him a certified copy of the aforesaid alphabetical register, and shall receive the votes of all persons then qualified to vote according to the provisions of this Act, and shall record and progressively number each vote for each candidate in a poll book, and he and the clerk shall subscribe their names to each page of the said book before making or allowing to be made any entry in the succeeding page; and the poll book or books shall at the close of the first day's polling be publicly sealed up by the said acting sheriff and poll clerk, and be taken charge of by the said sheriff, and on the commencement of the poll of the second day he shall publicly break the seals, and then proceed as formerly; and immediately after the poll at his polling place is finally closed, the officiating sheriff shall forthwith seal up and transmit or deliver the said poll books to the sheriff acting as the returning officer for the shire. [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

Days and hours of polling.

Poll may be closed by agreement; or adjourned in case of riot.

Manner of polling.

Custody of poll books.

**XXXIII.** AND be it enacted, that the sheriff to whom the said poll books have been transmitted or delivered shall on the day next but one after the close of the poll (unless such day shall be Sunday, and then on the Monday following,) openly break the seals of the said poll books, and cast up the number of votes as they appear on the said several books, and shall openly declare the state and result of the poll, and make proclamation of the member or members chosen, not later than two of the clock of the afternoon of the said day, and shall forthwith make a return in the form presently used (as nearly as may be), in terms of the writ, under his hand and seal, to the clerk of the crown in England; and if the votes shall be equal, he shall make a double return. [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

Declaration of poll.

Return to the writ.

**XXXIV.** AND be it enacted, that where the election is for one city, burgh, or town sending a member or two members by itself, or for a district of towns lying wholly within one shire, the said poll books shall be transmitted to and the return made by the sheriff of the shire within which such city, burgh, or town, or district, shall be situate; and where the election shall be for a district or set of burghs or towns lying in different shires, the said poll books shall be severally transmitted in the first instance to the sheriffs of the several shires within which any of the said burghs or towns shall be situate, and thereafter

Declaration of poll, return, &c. in case of burghs or districts of burghs.



the other sheriffs shall transmit the said poll books to the sheriff to whom, as herein provided, the writ shall have been directed, by whom the votes shall be summed up, and the result declared, and the return of the person or persons duly elected shall be made, as above, to the clerk of the crown in England.

Property within a burgh not to confer a vote for the county; nor property not within a burgh a vote for that burgh.

XXXV. AND be it enacted, that no person not now on the roll of freeholders shall be admitted to claim or to vote at the election for any shire in respect of any subject situate within the limits of any city, burgh, or town entitled to send or to contribute towards sending a member to Parliament; nor shall any person be admitted to claim or to vote in the election for any city, town, or burgh in respect of any subject not situate within the limits of the said city, town, or burgh.

Disqualification of sheriff, &c. to vote or be elected, &c.

XXXVI. AND be it enacted, that no sheriff shall be entitled, from and after the passing of this Act, to vote at any election for any member of Parliament to be holden within the county or combined counties of which he shall be sheriff; and that no sheriff substitute, and no sheriff clerk or deputy sheriff clerk, shall be entitled, from and after the passing of this Act, to vote or to be elected at any election for a member to serve in Parliament for the shire of which he is the sheriff substitute or sheriff clerk; and no town clerk or depute town clerk shall be entitled to vote or to be elected for the city, burgh, town, or district in which he is such clerk; and no sheriff substitute, sheriff clerk, or town clerk shall, after the passing of this Act, directly or indirectly, act as an agent for any candidate in any matter connected with or preparatory to any election for the county or burgh respectively in which such persons shall be respectively sheriff substitute, sheriff clerk, or town clerk.

Eldest sons of Scotch peers may vote and be elected.

XXXVII. AND be it enacted, that from and after the end of this present Parliament the eldest sons of Scotch peers shall be entitled to be registered and to vote at all elections for members of Parliament for Scotland, and shall also be entitled, though not so registered, to be elected to serve as such members for any county, city, burgh, or town, or district of burghs, in Scotland; and that after the end of this present Parliament no member for any county in Scotland shall be required to be qualified as an elector or to hold any superiority within such county.

County members need not be qualified as electors or hold superiorities.

Penalty on officers for breach of duty.

XXXVIII. AND be it enacted, that if any sheriff, sheriff substitute, sheriff clerk, town clerk, or any person whatsoever shall wilfully contravene or disobey the provisions of this Act, or any of them, with respect to any matter or thing which such sheriff, sheriff substitute, sheriff clerk, town clerk, or other person is hereby required to do, he shall for such his offence be liable to be sued in the Court of Session by any registered voter, candidate, member actually returned, or other party aggrieved, for the penal sum of five hundred pounds; and the jury before whom such action shall be tried may find their verdict for the full sum of five hundred pounds, or for any less sum which the said jury shall think it just that such party defender should pay to such party pursuer; and the defender in such action being convicted shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same, without prejudice, however, to the right of any party aggrieved by the misconduct of any sheriff as returning officer to recover such damages for a false return as he may be entitled to at common law or by virtue of any statute now in force: Provided always, that every such action shall be raised

within four calendar months next after the cause of action has arisen, and that notice in writing shall be given to the defender at least one month before the raising of any such action, signed by the party raising such action, or his agent, and setting forth the place of abode of the party signing the same: Provided also, that any such defender against whom any judgment shall have been recovered in any such action shall be allowed to plead such judgment as a bar to any other action which may be brought against him for the same matter or thing, and such other action being thereupon dismissed, such defender shall recover his full costs thereof.

\* \* \* \* \*

**XL.** AND be it enacted, that the monies which are now in use to be allowed to the sheriffs in their accounts with the Exchequer for executing writs for elections shall continue to be allowed to them on such accounts; and that all halls, rooms, booths, or other places hired, constructed, or prepared for taking the polls shall be so hired, constructed, or prepared by contract with the candidates, or, if they cannot agree, by the sheriff clerk, at their joint and equal expence: Provided always, that the expence of such hiring or construction at any one polling place for a county shall not exceed the sum of thirty pounds, nor the sum of twenty pounds at any one polling place in any city, burgh, or town; and the candidates shall further be bound to pay and contribute among them to each poll clerk one guinea per day, and in like manner to contribute and pay a certain fee to each sheriff or sheriff substitute for superintending the polls, the amount of which fee shall in no case exceed the sum of three guineas per day for each such sheriff or substitute; and the candidates, in all cases where a poll has been demanded, shall in like manner be bound to defray the necessary expences incurred by the sheriff or sheriff clerks or town clerks in the transmission of precepts, intimations, poll books, or other communications required or enjoined by this Act; and if any person shall be proposed as a candidate without his consent, the person so proposing him shall be liable to defray his share of all these expences in like manner as if he had been a candidate himself.

Certain Exchequer allowances to sheriffs continued. Expences of booths, clerks, &c. to be paid by candidates.

Person proposing a candidate without his consent, liable to his share of expences.

**XLI.** AND be it enacted, that each sheriff shall be entitled to make a charge for the time and labour employed in investigating and disposing of the claims and objections above specified, either originally in his own county, or there or elsewhere as a judge of appeal, which charge shall not be more than five guineas for every period of eight hours employed by him or by any assistant sheriff or advocate to be appointed in the manner by this Act authorized and directed exclusively in any such investigations, over and above his or their reasonable travelling expences; and which charge shall be audited and examined in the Exchequer, and allowed in whole or in part, as may seem just, in the same manner as other charges hitherto included in the annual accounts of such sheriffs, the said charge to be always stated in Exchequer as soon as conveniently may be after the duty is performed, and to be there audited and allowed at the first settlement of each sheriff's accounts which shall thereafter take place: Provided always, that no charge shall in any case be allowed for a greater number of hours so employed by such sheriff and by such assistants in originally deciding on the claims in any one county than thirty periods of eight hours for each such sheriff and assistant respectively.

Remuneration of sheriffs for registration, &c.

Substitute may act where sheriff under disability.

Assistant sheriffs, &c. may be appointed for registration purposes in certain counties.

**XLII.** AND be it enacted, that when any sheriff who is herein-before required to examine and decide on the claims for registration within his county, or to whom any writ for election is directed, shall be incapacitated from acting by sickness or unavoidable absence, one of his ordinary substitutes may act in his stead, provided he hold a substitution specially authorizing him to do so: Provided also, that if the sheriffs of the counties of Edinburgh, Lanark, Fife, Forfar, Aberdeen, Perth, Ayr, Inverness, Renfrew, or Orkney and Shetland, or any of them, shall, after the passing of this Act, represent to the lord president of the Court of Session, that, by reason of the great number of claims of registration presented or likely to be presented in such counties, it will be impracticable for them, without assistance, to dispose of such claims within the period limited by this Act, then and in that case it shall be competent to the said lord president, being satisfied of the correctness of such representation, and he is hereby required, to nominate and appoint one or more other sheriffs or advocates of at least four years standing to assist in disposing of the said claims within the said counties or any of them; and all judgments pronounced by the said assistant sheriffs or advocates shall be liable to be appealed from as if they had been pronounced by the sheriff of the county.

\* \* \* \* \*

Rogue money to be under management of commissioners of supply.

**XLIV.** AND be it enacted, that the assessment, collection, and management of the money termed the "rogue money," which is now vested in certain meetings of the freeholders, shall be transferred to the commissioners of supply at their ordinary stated meetings, and they shall be bound to collect and apply it for the same purposes as heretofore.

Functions of meetings of freeholders transferred to commissioners of supply.

**XLV.** AND be it enacted, that all powers, duties, and functions now vested in or exigible from any meeting of freeholders, by any law or statute in force at the dissolution of this present Parliament, shall thereafter be transferred to and vested in the said commissioners of supply, who shall exercise and discharge the same at their regular meetings as fully and effectually as the said meetings of freeholders might previously have exercised or discharged them.

Meaning of certain words in this Act.

**XLVI.** AND be it enacted, that the word "sheriff" shall be held to include the word "stewart"; and the words "sheriff substitute" shall be held to include the words "stewart substitute"; and that the words "shire" or "county" shall be held to include the word "stewartry"; and the words "sheriff clerk" shall be held to include the words "stewart clerk," and "sheriff clerk depute, and stewart clerk depute"; and the words "town clerk" shall be held to include the words "town clerk depute": Provided also, that no misnomer or inaccurate description of any person or place in any writing made in the form of any schedule to this Act annexed, or in any list or register or notice made under authority of this Act, shall in any way prevent or abridge the operation of this Act, provided that such person or place shall be so designated in such writing, list, register, or notice as to be commonly understood: Provided also, that no appeal shall be competent to any sheriff or stewart from any thing which may be done by their substitutes in the execution of this Act.

Misnomers not to affect operation of Act.

No appeal to sheriff from any act of substitute.

All former laws repealed where contrary to this Act.

**XLVII.** AND be it enacted, that all laws, statutes, and usages now in force respecting the right of electing, the qualifications of electors, and the actual election of

members to serve in Parliament for that part of Great Britain called Scotland, shall be and the same are hereby repealed in so far as they are inconsistent or at variance with the provisions of this Act: Provided always, that the same shall be in force in all other respects whatsoever. [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

\* \* \* \* \*

## SCHEDULES to which the preceding Act refers.

### SCHEDULE (A.)

COUNTIES to return One Member each.

Aberdeen.	Linlithgow.
Argyle.	Orkney and Shetland.
Ayr.	Peebles.
Banff.	Perth, exclusive of the parishes of
Bute.	Tulliallan, Culross, Muckhart,
Berwick.	Logie, and Fossaway, annexed to
Caithness.	Kinross and Clackmannan by
Dumbarton.	schedule (B.)
Dumfries.	Renfrew.
Edinburgh.	Roxburgh.
Fife.	Selkirk.
Forfar.	Stirling, exclusive of the parish of
Haddington.	Alva, annexed to Kinross, &c. by
Inverness.	schedule (B.)
Kincardine.	Sutherland.
Kirkcudbright.	Wigton.
Lanark.	

### SCHEDULE (B.)

COMBINED COUNTIES, each Two to return One Member.

Elgin and Nairn.

Ross and Cromarty.

Clackmannan and Kinross, together with that part of Perthshire which constitutes the parishes of Tulliallan, Culross, and Muckhart, and the Perthshire portions of the parishes of Logie and Fossaway, and that part of the shire of Stirling which constitutes the parish of Alva.

### SCHEDULE (C.)

TOWNS to return Two Members each.

Edinburgh.

Glasgow.

## SCHEDULE (D.)

TOWNS to return One Member each.

Aberdeen.  
 Paisley.  
 Dundee.  
 Greenock.  
 Perth.

## SCHEDULE (E.)

COMBINED BURGHS and TOWNS, each Set or District jointly to return One Member.

1.			6.
Kirkwall	-	-	Dysart - - -
Wick	-	-	Kirkcaldy - - -
Dornock	-	-	Kinghorn - - -
Dingwall	-	-	Burntisland - - -
Tain	-	-	
Cromarty	-	-	
2.			7.
Fortrose	-	-	Inverkeithing - - -
Inverness	-	-	Dunfermline - - -
Nairn	-	-	Queensferry - - -
Forres	-	-	Culross - - -
			Stirling - - -
3.			
Elgin	-	-	
Cullen	-	-	
Banff	-	-	
Inverury	-	-	
Kintore	-	-	
Peterhead	-	-	
4.			8.
Inverbervie	-	-	Renfrew - - -
Montrose	-	-	Rutherglen - - -
Aberbrothwick	-	-	Dumbarton - - -
Brechin	-	-	Kilmarnock - - -
Forfar	-	-	Port Glasgow - - -
5.			9.
Cupar	-	-	Haddington - - -
St. Andrew's	-	-	Dunbar - - -
Anstruther Easter	-	-	North Berwick - - -
Anstruther Wester	-	-	Lauder - - -
Crail	-	-	Jedburgh - - -
Kilrenny	-	-	
Pittenweem	-	-	
			10.
			Leith - - -
			Portobello - - -
			Musselburgh - - -

11.			13.		
Linlithgow	-	-	Dumfries	-	-
Lanark	-	-	Sanquhar	-	-
Falkirk	-	-	Annan	-	-
Airdrie	-	-	Lochmaben	-	-
Hamilton	-	-	Kirkcudbright	-	-
Jointly.			Jointly.		
12.			14.		
Ayr	-	-	Wigton	-	-
Irvine	-	-	New Galloway	-	-
Campbelltown	-	-	Stranraer	-	-
Inverary	-	-	Whithorn	-	-
Oban	-	-	Jointly.		
Jointly.					
*	*	*	*	*	*

## SCHEDULE (L.)

Towns where the Writ for Districts is to be proclaimed.	Sheriffs to whom the Writ is to be addressed.
Leith, for the district to which it belongs -	Sheriff of Edinburgh.
Wick, for the district to which it belongs -	Sheriff of Caithness.
Inverness, for the district to which it belongs -	Sheriff of Inverness.
Elgin, for the district to which it belongs -	Sheriff of Elgin and Moray.
Montrose, for the district to which it belongs -	Sheriff of Forfar.
Saint Andrew's, for the district to which it belongs.	Sheriff of Fife.
Kirkcaldy, for the district to which it belongs -	Sheriff of Fife.
Stirling, for the district to which it belongs -	Sheriff of Stirling.
Kilmarnock, for the district to which it belongs	Sheriff of Ayr.
Haddington, for the district to which it belongs	Sheriff of Haddington.
Dumfries, for the district to which it belongs -	Sheriff of Dumfries.
Wigton, for the district to which it belongs -	Sheriff of Wigton.
Ayr, for the district to which it belongs -	Sheriff of Ayr.
Falkirk, for the district to which it belongs -	Sheriff of Stirling.

## SCHEDULE (M.)

TOWNS to return Two Members each.

From a point on the road from Leith to Queensferry which is distant four hundred yards (measured along such road) to the west of the point at which the same meets the Inverleith road at the house called Golden Acre, in a straight line to the north-western corner of the enclosure of John Watson's institution; thence in a straight line to the second stone bridge, marked No. 2, on the Union canal; thence in a straight line to the

## EDINBURGH.

point at which the western wall of the enclosure of the lunatic asylum at Morningside meets the Jordan or Pow burn; thence down the Jordan or Pow burn to a point which is distant one hundred and fifty yards (measured along such burn) below the arch over the same on the Carlisle road; thence in a straight line to the summit of Arthur's seat; thence in a straight line to the point at which the Feeder enters the western side of Lochend loch; thence in a straight line to the point at which Pilrig street joins Leith walk; thence along Pilrig street and the Bonnington road to the point at which the latter meets the road from Leith to Queensferry; thence along the road from Leith to Queensferry to the point first described.

## GLASGOW.

From the point on the west of the town at which the river Kelvin joins the river Clyde, up the river Kelvin, to a point which is distant one hundred and fifty yards (measured along the river Kelvin) above the point at which the same is met by the park wall which comes down thereto from Woodside road; thence in a straight line to a point on the Great canal which is distant one hundred yards (measured along the Great canal) below Derry bridge; thence along the Great canal and the cut of junction to the bridge over the cut of junction on the Stirling road; thence, eastward, along the Low Garngad road to a point which is distant one hundred and fifty yards (measured along the Low Garngad road) to the east of the bridge over the Grimston burn; thence in a straight line to a point on the road to Edinburgh by Airdrie which is distant one hundred yards (measured along the said road to Edinburgh) to the east of the point at which the same is joined by the road to Edinburgh through the village of Westmuir; thence in a straight line to the point at which the river Clyde is joined by Harvie's dyke; thence down the river Clyde to the point at which the same is joined by the Polmadie burn; thence up the Polmadie burn to the point at which the same is joined by the Little Govan burn; thence up the Little Govan burn to the point at which the same is divided into two branches in coming down from Govan hill; thence in a straight line to the eastern extremity of the Butterbiggins road; thence along the Butterbiggins road, and in a line in continuation of the direction thereof, to the Kinninghouse burn; thence in a straight line to the Sheils bridge over the Paisley and Androssan canal; thence in a straight line to the point at which the river Clyde is joined by the Plantation burn; thence down the river Clyde to the point first described.

## TOWNS to return One Member each.

## ABERDEEN.

From the point, on the north-west of the town, at which the Scatter burn joins the river Don, down the river Don to the point at which the same joins the sea; thence along the sea shore to the point at which the river Dee joins the sea; thence up the river Dee to a point which is distant one hundred yards (measured along the river Dee) above the bridge of Dee; thence in a straight line to the point at which the march between the parishes of Old Machar and Banchory Davenick crosses the Old-Dee-side road; thence, northward, along the march between the parishes of Old Machar and Banchory Davenick, and Old Machar and Newhills, to the point first described.

## PAISLEY.

From the summit of Byres hill, on the north-east of the town, in a straight line to the point near Knock hill at which the Renfrew road is joined by a road from Glasgow; thence in a straight line to the summit of Knock hill; thence in a straight line to the northern gable of the Moss toll house on the Greenock road; thence in a straight line in the direction of the chimney of Linwood cotton mill to the point at which such straight line cuts the Candren burn; thence up the Candren burn to the point at which the same is joined by the Braidiland burn at the bridge over the same on the Johnstone road; thence up the Braidiland burn to a point which is distant five hundred yards (measured along the Braidiland burn) above the said bridge; thence in a straight line to Meikleridge bridge over the Candren burn; thence in a straight line to the point at which the old Neilston road leaves the new Neilston road; thence in a straight line to the summit of Dykebar hill; thence in a straight line to a point which is one hundred yards due north-east of the summit of Bathgo hill; thence in a straight line to the point first described.

## DUNDEE.

From the point, on the east of the town, at which the shore of the firth of Tay would be cut by a straight line to be drawn from the tower (in Fife) of Mr. Dalglish of Scotsraig to the point at which the Stobsmuir road is joined by the old road by Stobsmuir and Clepington and the old Craigie road, in a straight line to the said point at which the Stobsmuir road is joined by the old road by Stobsmuir and Clepington and the old Craigie road; thence, westward, along the old road by Stobsmuir and Clepington to the point called Kings Cross, at which the several boundaries of the parishes of Dundee, Strathmartin, and Liff meet; thence in a straight line to a point on the Liff road which is distant



twelve hundred yards (measured along the Liff road) to the west of the point at which the Newtyle road leaves the same; thence in a straight line drawn due south to the shore of the firth of Tay; thence along the shore of the firth of Tay to the point first described.

# GREENOCK.

From the point, on the west of the town, at which the shore of the firth of Clyde is met by the march between the parishes of Greenock and Innerkip, up the said march to that point thereof which is nearest to the southern point of the ridge of Bow hill; thence in a straight line to the said point on Bow hill; thence in a straight line to the southern end of the upper east reservoir for supplying Greenock with water; thence in a straight line in the direction of the highest projecting point of Knocknair hill, to the point near Woodhead quarry, at which such straight line cuts the easternmost of the two rivulets which form the Lady burn; thence down such rivulet and the Lady burn to the point at which the same joins the firth of Clyde; thence along the shore of the firth of Clyde to the point first described.

# PERTH.

From the north-western corner of the north inch, on the right bank of the river Tay, in a straight line to the bridge on the mill lead at the boot of Balhousie; thence in a straight line to the bridge on the Glasgow road over the Scouring burn; thence in a straight line to the southern corner of the water reservoir of the dépôt; thence in a straight line to the southern corner of the Friarton pier on the river Tay; thence across the river Tay (passing to the south of the Friarton island) to the point at which the same is met by the boundary of the respective parishes of Kinfauns and Kinnoul; thence, northward, along the boundary of the parish of Kinfauns to the point at which the several boundaries of the properties of Kinfauns, Kinnoul, and Barnhill meet; thence in a straight line to the north-eastern corner of Lord Kinnoul's lodge, at the gate of approach to Kinnoul hill; thence in a straight line to the north-eastern corner of the enclosure of the lunatic asylum; thence in a straight line to the point at which the Annatty burn crosses the Blairgowrie road; thence down the Annatty burn to the point at which the same joins the river Tay; thence in a straight line to the point first described.

## DISTRICTS to return One Member each.

## 1.—WICK DISTRICT.

CROMARTY.

From Samuel's well, on the south-west of the town, in a straight line to the point at which the southern angle of the glebe meets the Inverness road; thence along the Inverness road to the point at which the same is met by the Den road; thence in a straight line to the Coal Heugh well; thence in a straight line in the direction of Clachmalloch rock to the point at which such straight line cuts the shore of the Cromarty firth; thence along the shore of the Cromarty firth to that point thereof which is nearest to Samuel's well; thence in a straight line to Samuel's well.

DINGWALL.

From a point on the shore of the Cromarty firth which is distant one hundred yards (measured along the shore) to the south of the mouth of the canal, in a straight line to a point on the Inverness road which is distant five hundred yards (measured along the Inverness road) from the point (near the school house) at which the same is joined by another road; thence in a straight line to a point on the Knockbain burn which is distant four hundred and fifty yards (measured along the Knockbain burn) to the west of the point at which the same meets the main street of Dingwall; thence in a straight line to a point on the Drynie road which is distant one hundred yards (measured along the Drynie road) from the point at which the same leaves the new Strathpeffer road; thence in a straight line drawn due east, to the shore of the Cromarty firth; thence along the shore of the Cromarty firth to the point first described.

DORNOCH.

From the rock called Craig Carnaig, in a straight line to St. Michael's well, close by the road to the Little Ferry; thence in a straight line to the point at which the road to the mound of Fleet leaves the road to Bonar bridge; thence in a straight line to the point at which the Black burn joins the Dornoch Firth; thence along the shore of the Dornoch Firth to Craig Carnaig.

KIRKWALL.

From a point on the sea shore which is distant five hundred yards (measured along the shore) to the north-east of the north-eastern angle of Cromwell's fort, in a straight line to a point on the Carness road which is distant seven hundred yards (measured along the Carness road) to the east of the point at which the same leaves the Birston road; thence in a straight line to a point on the Holm road which is distant three hundred yards (measured along the Holm road) to the south of the point at which the same leaves the Deerness road; thence in a straight line to a point on the Scapa road which is distant four hundred yards (measured along the Scapa road) to the south of the point at which the same leaves the Stromness road; thence in a straight line to the western end of the Air embankment; thence along the Air embankment, and along the sea shore, to the point first described.

WICK  
DISTRICT.

TAIN.

From St. Mary's well, on the north-west of the town, in a straight line through the Raven's well to a point five hundred yards beyond the same; thence in a straight line, drawn due south-east, to the Scotsburn road; thence in a straight line, drawn due east, to the Inverness road; thence in a straight line, drawn due north-east, to the river of Tain; thence down the river of Tain to the point at which the same joins the sea; thence along the sea shore to St. Mary's well.

WICK.

From the point, on the north-east of the town, at which the Papigoe burn joins the sea, in a straight line to a point on the Huna road which is distant two hundred and fifty yards (measured along the Huna road) to the north of the point at which the same leaves the Kettleburn road; thence in a straight line to the north-western corner of the Glebe; thence in a straight line to the point at which the Leutskerry burn joins the river Wick; thence up the Leutskerry burn to the point at which the same meets the Thurso road; thence in a straight line to the point at which the Inverness road would be cut by

a straight line to be drawn thereto due west from the rock called "The Old Man of Wick"; thence in a straight line to the Old Man of Wick; thence along the sea shore to the point first described.

## 2.—INVERNESS DISTRICT.

FORRES.

From Sueno's Stone, on the north-east of the town, in a straight line to the point at which two roads meet at the north-eastern corner of that part of the property of the burgh of Forres which is called "The Cluny Hills"; thence, southward, along the boundary of the property of the burgh to the point at which the same meets the Rafford road; thence in a straight line to a point on the Altyre road which is distant fifty yards (measured along the Altyre road) to the south of the point at which the same leaves a road to the mills of Burdsyards; thence in a straight line to a point on the Nairn road which is distant five hundred yards (measured along the Nairn road) to the west of the bridge of Forres; thence in a straight line to a point on the burn of Forres which is distant four hundred yards (measured along the burn of Forres) below the Lee bridge; thence in a straight line to Sueno's Stone.

FORTROSE.

From a point on the shore of the Moray firth which is distant two hundred yards (measured along the shore) to the west of the pier of Fortrose, in a straight line to St. Boniface's well; thence in a straight line to the point at which the Rosemarkie burn would be cut by a straight line to be drawn thereto due north-east from St. Boniface's well; thence in a straight line to the rock called the Lady's Bathing House; thence along the shore of the Moray firth to the point first described.

From the Clachnaharry pier in a straight line to the point at which the Caledonian canal would be cut by a straight line to be drawn from the Clachnaharry pier to the southern extremity of the Upper Ness island; thence in a straight line to a point which is two hundred and fifty

INVERNESS  
DISTRICT.

## INVERNESS.

yards due west of the point at which the Altna Skiah burn joins the river Ness; thence in a straight line to the point at which the Altna Skiah burn joins the river Ness; thence up the Altna Skiah burn to a point which is distant three hundred and fifty yards (measured along the Altna Skiah burn) above the bridge over the same on the road to fort Augustus; thence in a straight line to the point at which the road from Muirfield to King's mills leaves the old Edinburgh road; thence in a straight line, drawn due north, to the Nairn road; thence in a straight line to that point on the shore of the Moray firth which is due north of the northern angle of Cromwell's fort; thence along the shore of the Moray firth to the Clachnaharry pier.

## NAIRN.

From the point, on the north-west of the town, at which the western march of the Town's Links meets the shore of the Moray firth, in a straight line to a point on the Inverness road which is distant one hundred yards (measured along the Inverness road) to the south of the point at which the road to the grove leaves the same; thence in a straight line to the sluice of the mill-dam of the Nairn mills; thence in a straight line to a point on the Forres road which is distant six hundred yards (measured along the Forres road) from the bridge of Nairn; thence in a straight line drawn due north to the shore of the Moray firth; thence along the shore of the Moray firth to the point first described.

## 3.—ELGIN DISTRICT.

From the rocks on the west of the town, called the Little Tumblers, in a straight line, drawn due south, to a point on the Gallow hill, eight hundred and fifty yards distant; thence in a straight line to the point at which the Colleopard road leaves the Sandyhills road; thence in a straight line to the bridge over the river Dovern

## BANFF.

leading from the town of Banff to Macduff; thence up the river Dovert to a point which is distant two hundred yards (measured along the river Dovert) above the said bridge; thence in a straight line to a point on the road from Macduff to Aberdeen which is distant two hundred yards (measured along such road) to the south of the point at which the same is crossed by the Deyhill road; thence in a straight line to the mineral well of Tarlair; thence along the shore of the Moray Firth to the Little Tumblers first described.

## CULLEN.

From the bridge over the burn of Cullen, on the Fochabers road, in a straight line to the point at which Slack's road meets the Seafeld road; thence in a straight line to the point at which the Deskford road leaves the Banff road; thence in a straight line to the point at which the Loggie road would be cut by a straight line to be drawn thereto due south from the rock called the Maiden Paps; thence in a straight line to the Maiden Paps; thence along the sea shore to the point at which the same meets the burn of Cullen; thence up the burn of Cullen to the bridge over the same on the Fochabers road.

## ELGIN.

From the bridge on the Fochabers road over the Tayack burn, up the Tayack burn, to the point at which the same would be cut by a straight line to be drawn thereto due east from Palmer Cross bridge; thence in a straight line to Palmer Cross bridge; thence in a straight line to the point at which the river Lossie would be cut by a straight line to be drawn from Palmer Cross bridge to Sheriff mill bridge; thence down the river Lossie to the bridge over the same on the road from Old mills to Quarry wood; thence along the road from Old mills to Quarry wood to the point at which the same joins the road by Morristown to Lossiemouth; thence down the road by Morristown to Lossiemouth to the point at which the same meets (at the cross of Bishop mill) another road to Lossiemouth; thence in a straight line to the bridge first described.

ELGIN  
DISTRICT.

## INVERBURY.

From the bridge over the river Ury at the mill of Keith-hall, in a straight line through the fifteenth mile stone on the Aberdeen road, to a point four hundred yards beyond the same; thence in a straight line to the point at which the road to Howford leaves the Huntly road; thence in a straight line to the upper ford of Howford on the river Ury; thence down the river Ury to the bridge first described.

## KINTORE.

From the point, on the south-east of the town, at which the burn of Tuach joins the river Don, up the burn of Tuach to the point at which the same is joined by the Torry burn; thence up the Torry burn to the bridge over the same on the Aberdeen road; thence in a straight line to the point at which the Hallforest road leaves the road to the Sheepcotes; thence in a straight line to the bridge over the Aberdeenshire canal near the farm of Tilty; thence in a straight line to the point of the island in the lands of Balbithan, near the glebe; thence along the river Don, taking the northernmost branch thereof at the points at which the same is divided into two branches, to the point first described.

## PETERHEAD.

From the north-western angle of the salmon house at the mouth of the river Ugie, and on the north-west of the town, in a straight line to the point near Clarke hill at which the old Kinmundy road is joined by a road leading therefrom into the Auchtygall road; thence along the road so leading into the Auchtygall road to the point at which the same joins the Auchtygall road; thence eastward along the Auchtygall road, and in a line in continuation of the direction thereof, to the sea shore; thence along the sea shore to that point thereof which is nearest to the point first described; thence in a straight line to the point first described.

## 4.—MONTROSE DISTRICT.

From the point at which the sea shore would be cut by a straight line to be drawn from the Bell Rock light house to

**ABERBROTH-  
WICK.**

the point, near Timmer green, at which the road to Hospital field leaves the Arbirlot road, along the said straight line to the said point at which the road to Hospital field leaves the Arbirlot road; thence, northward, along the Arbirlot road to the point at which the same is met by a road leading thereto from the Forfar road; thence in a straight line to a point on the Forfar road which is distant one hundred and fifty yards along the Forfar road to the north of the first mile stone from Aberbrothwick, at the old toll house; thence in a straight line to the bridge over the feeder of the Tarry burn on the Montrose road; thence along the said feeder to the point at which the same reaches the spring at Old Tarry; thence down the Tarry burn to the point at which the same joins the sea; thence along the sea shore to the point first described.

**BRECHIN.**

From the point, on the south of the town, at which the Skinners burn joins the South Esk river, down the South Esk river to the west den of Leuchland; thence up the hollow of the west den of Leuchland, and up Barrie's burn, to the point, near the source of Barrie's burn, at which the several boundaries of the properties of Caldham, Pitforthie, and Unthank meet; thence in a straight line, in a westerly direction, to the point at which the several boundaries of the properties of Maisondieu and Cookston and Mr. Mitchell's land meet; thence, in a south-west direction, along the boundary of the Maisondieu property to the point at which the same meets the Menmuir road; thence in a straight line to the westernmost point at which the Skinners burn crosses the Forfar road; thence down the Skinners burn to the point first described.

From the Inch-ma-coble stone on the southern bank of the loch of Forfar, in a straight line to the point at which the Orchard loan joins the Perth road; thence in a straight line through the point at which the Westfield loan joins the Dundee road to the Balminshanner march; thence in a straight line to the Blind well at the

**MONTROSE  
DISTRICT.**



**FORFAR.**

junction of the road from Forfar to Lower with the old Kirk road from Lower; thence in a straight line to the spring on the Arbroath road at the junction of the boundaries of Pittrichie and the Poors ground; thence in a straight line to the point at which the old road to Brechin leaves the east road to Carseburn; thence in a straight line to the point at which the west road to Carseburn leaves the Hassockwell road; thence in a straight line to the point at which the new Kirriemuir road leaves the new Brechin road; thence in a straight line to the Inch-ma-coble stone.

**INVERBERVIE.**

From the point, on the east of the town, at which the Bervie burn joins the sea, up the Bervie burn to the point at which the same is met by the boundary of the parish of Arbuthnot; thence, southward, along the boundary of the parish of Arbuthnot to the point (near Dendodrum) at which the same meets the boundary which separates the town lands from the property of Mr. Farquhar; thence in a straight line to the point at which the several boundaries of the glebe land, the land of the towns muir, and the property of Mr. Farquhar, meet; thence in a straight line through the south-western corner of the old castle of Hall green to the sea shore; thence along the sea shore to the point first described.

**MONTROSE.**

From the point, on the north-east of the town, at which the towns loaning meets the sea shore, westward, along the towns loaning, and in a line in continuation of the direction thereof, to the point at which such line cuts the Laurencekirk road; thence in a straight line to the bridge over the burn of Tayock on the Brechin road; thence down the channel of the burn of Tayock at low water to the point at which the same joins the South Esk river; thence down the South Esk river, including the Rossie island, to the point at which the same river joins the sea; thence along the sea shore to the point first described.

## 5.—ST. ANDREW'S DISTRICT.

EASTER  
ANSTRUTHER.

From the point at which the Dreel burn joins the Firth of Forth, up the Dreel burn, to the point at which the mill-dam of the mill of Anstruther branches off; thence in a straight line in the direction of the spire of Kilrenny church to the point at which such straight line cuts the Cunzie burn; thence in a straight line to the point at which the road leading to St. Andrews (being the march between the lands of Renny hill and the barony of Anstruther) leaves the turn-pike road to Upper Kilrenny; thence in a straight line to the point at which the Cellardyke burn enters the Firth of Forth; thence along the shore of the Firth of Forth to the point first described.

WESTER  
ANSTRUTHER.

From the rock called the Cuniger stone in a straight line to the point at which the Dreel burn crosses the road from Pittenweem to Grangemuir farm; thence down the Dreel burn to the point at which the same joins the Firth of Forth; thence along the shore of the Firth of Forth to the Cuniger stone.

CRAIL.

From a point on the shore of the Firth of Forth which is distant five hundred yards (measured along the shore) to the south-west of the Almond rocks, in a straight line, drawn due north-west to the point at which such straight line cuts the road to Anstruther and Kilrenny; thence in a straight line to the point at which the St. Andrews road would be cut by a straight line to be drawn thereto from North Berwick law through the point last described; thence in a straight line to a point on the Craighead road which is distant five hundred yards (measured along the Craighead road) to the north-east of the bridge on the same, over the Lammas Green burn; thence in a straight line in the direction of the north-easternmost point of the Rome rocks until it meets the shore of the Firth of Forth; thence along the shore of the Firth of Forth to the point first described.

From a point on the southern branch of the river Eden which is distant four hun-

CUPAR.

dred yards (measured along such river) below the new bridge, in a straight line, through a point on the Dundee road which is distant two hundred and fifty yards (measured along the Dundee road) to the east of the milestone marked 0 miles from Cupar and 22 miles from Pettycur, to a point two hundred and fifty yards distant from the said point on the Dundee road; thence in a straight line to the north-western corner of the garden wall of Dalziel lodge on the old Dundee road; thence in a straight line to the bridge over the St. Mary's burn on the Newburgh road; thence in a straight line to the point at which the Ferrybank road would be cut by a straight line to be drawn from the Hopetoun monument to the Winter or Byewater sluice at the western end of Andersons spinning mills; thence in a straight line to the said sluice; thence in a straight line to the milestone on the Edinburgh road marked 1 mile from Cupar and 21 miles from Pettycur; thence in a straight line to the point first described.

ST. ANDREWS  
DISTRICT.

KILRENNY.

From the point at which the Cellardykes burn joins the Firth of Forth in a straight line to the point at which the road leading to St. Andrews (being the march between the lands of Rennyhill and the barony of Anstruther) leaves the turnpike road from Anstruther to Upper Kilrenny; thence in a straight line to the Skeith stone; thence in a straight line to the point at which the Gelly burn meets the well of Spa burn; thence in a straight line to a point on the Crail road which is distant four hundred yards (measured along the Crail road) to the north-east of the bridge on the same over the Gelly burn; thence in a straight line to a point on the Gelly burn which is distant three hundred yards (measured along the Gelly burn) below the said bridge on the Crail road; thence down the Gelly burn to the point at which the same joins the Firth of Forth; thence along the shore of the Firth of Forth to the point first described.

PITTENWEEM.

From a point on the south-west of the town on the sea shore, distant from the Sandy Craig six hundred yards (measured westwards along the sea shore), in a straight line drawn to a point on the Mires or Dreel burn six hundred yards (measured up the course thereof) above the point where it is crossed by the road to Carnbee and St. Andrews; thence down the Mires or Dreel burn to the point at which the same crosses the road to Grangemuir farm; thence in a straight line to the rock called the Cuniger stone; thence along the shore of the Firth of Forth to the point first described.

ST. ANDREWS.

From the point at which the Swilkin burn joins the sea, up the Swilkin burn, to a point which is distant three hundred yards (measured along the Swilkin burn) above the bridge over the same on the Cupar road; thence in a straight line through a point on the Kinghorn road which is distant four hundred yards (measured along the Kinghorn road) from the point at which the same leaves Argyle street, to the point at which such straight line cuts the Kinness burn; thence in a straight line to the bridge over the St. Nicholas burn on the Crail road; thence in a straight line, drawn due east, to the sea shore; thence along the sea shore to the point first described.

## 6.—KIRKALDY DISTRICT.

BURNTISLAND.

From the northern extremity of the dam dyke of the sea mills, in a straight line, drawn due north, to the road from Aberdour to Kirkaldy; thence in a straight line to a point on the road from Aberdour to Kirkaldy which is distant three hundred yards (measured along such road) to the east of the point at which the same is met by the road from Burntisland to Kinross; thence in a straight line, in the direction of the eastern extremity of Inchkeith, to the point at which such straight line cuts the shore of the Firth of Forth; thence along the shore of the Firth of Forth to the point first described.

DYSART.

From the point, on the south of Pathhead, at which the East burn joins the Firth of Forth, up the East burn, to that point thereof which is nearest to the eastern angle of the engine house of the Dunniker colliery; thence in a straight line to the point at which the road from Parkhead to Mitchelstons farm meets the road from Gallatown to Dunniker; thence in a straight line to a point on the Cupar road which is distant three hundred and fifty yards (measured along the Cupar road) to the north-west of the point (in the street of Gallatown) at which the road from Gallatown to West Wemyss leaves the same; thence in a straight line to the cliff above the Pissing Mare well; thence along the shore of the Firth of Forth to the point first described.

KINGHORN.

From the rock called Hoch-ma-toch in a straight line to the point at which the road to Kirkaldy from Burntisland joins the road to Kirkaldy from Pettycur; thence in a straight line to the outlet from the loch of Kinghorn called the Gullet sluice; thence in a straight line to the rock on the shore of the Firth of Forth above the well of Spa; thence in a straight line to the well of Spa; thence along the shore of the Firth of Forth to the rock Hoch-ma-toch.

KIRKALDY.

From the point on the north-east of the town, at which the East burn joins the Firth of Forth, up the East burn to that point thereof which is nearest to the eastern angle of the engine house of the Dunniker colliery; thence in a straight line, in the direction of the spire of Abbotshall church, to the point at which such straight line cuts a road from Kirkaldy to Raith and Auchtertool; thence along the said road to Raith and Auchtertool to the point (opposite Raith gate) at which the same is joined by the road from West bridge to Auchtertool; thence in a straight line to the western corner of the old quarry above the West mills of Linktown and on the left bank of the West burn; thence in a straight line to a point on the Kinghorn road which is distant five hundred yards (measured along the Kinghorn road) to the south of the point

KIRKALDY  
DISTRICT.

(in West Bridge town) at which the Queensferry road leaves the same; thence in a straight line in the direction of North Berwick law, to the point at which such straight line cuts the shore of the Firth of Forth; thence along the shore of the Firth of Forth to the point first described.

#### 7.—STIRLING DISTRICT.

CULROSS.

From the point, close to the shore, at which the Dean burn crosses the high road to Kincardine, up the Dean burn to that point thereof which is nearest the ruins of the old church; thence in a straight line to the point at which the road to Dunfermline by the Abbey lodge leaves the road from Culross church to Kincardine; thence along the said road to Dunfermline to a point which is distant seven hundred yards (measured along such road) from the point last described; thence in a straight line, through the stone which marks the eastern extremity of the royalty of the burgh, to the shore of the Firth of Forth; thence along the shore of the Firth of Forth to the point first described.

DUNFERMLINE.

From the point on the south of the town, near the southern end of St. Leonards, at which the Queensferry road leaves the Burntisland road, in a straight line to the head of the mill-dam of the Brucefield spinning mills; thence in a straight line to the point at which the Townhill road is joined by a road from Headwell; thence in a straight line to a point on the Crieff road which is distant one hundred and fifty yards (measured along the Crieff road) to the north of the bridge on the same over the Blair Castle or Broomhill burn; thence in a straight line to the bridge over the Baldrige burn at Blackburn; thence in a straight line to the point at which the Elgin railway crosses the Carnack road; thence in a straight line to Urquhart bridge on the Stirling road; thence in a straight line to the bridge over the Spittal burn on the Limekilns road; thence in a straight line to the point first described.

INVERKEITHING.

From the point, on the west of the town, at which the Seggs burn joins the sea, up the Seggs burn to a point which is distant one hundred yards (measured along the Seggs burn) above the bridge over the same on the Queensferry road; thence in a straight line to a point on the Dunfermline road which is distant three hundred yards (measured along the Dunfermline road) from the point at which the same leaves the High street of Inverkeithing; thence in a straight line to the bridge over the Inverkeithing burn on the Perth road; thence in a straight line through the flag-staff near the East Ness to the sea shore; thence along the sea shore to the point first described.

STIRLING  
DISTRICT.

QUEENSFERRY.

From a point on the shore of the Firth of Forth which is distant three hundred yards (measured along the shore) to the east of the Newhalls pier, in a straight line, in a southerly direction, drawn from the easterly extremity of Inch Garvie, through the point last described, to a point which is one hundred yards beyond the middle of the Edinburgh road; thence in a straight line to the south-eastern corner of the reservoir; thence in a straight line to the Dovecote park well; thence in a straight line to the point at which the Echland burn crosses the road to Echland and Linlithgow; thence down the Echland burn to the point at which the same joins the Firth of Forth; thence along the shore of the Firth of Forth to the point first described.

From the point, on the east of the town, at which the town burn joins the river Forth, up the river Forth to the point at which the same is joined by the Kildean burn; thence up the Kildean burn to the point at which the same reaches the dam of the Kildean mill; thence in a straight line to the point, opposite the lodge of Christian bank, at which the road to Touch and Garthur leaves the road to Murray's hall; thence in a straight line to the point at which the road from Cambusbarron to St. Ninians is joined by a road from New-

## STIRLING.

house and Torbrecks; thence in a straight line to a point on the old Glasgow road which is distant five hundred yards (measured along the Glasgow road) to the south of the point at which the Glasgow road leaves the Edinburgh road; thence in a straight line to a point on the Edinburgh road which is distant five hundred yards (measured along the Edinburgh road) to the south-east of the point at which the same leaves the Glasgow road; thence in a straight line, in the direction of Cambuskenneth abbey, to the point at which such straight line cuts the Pelstream; thence along the Pelstream, and along the continuation thereof, called the Town burn, to a point which is distant five hundred yards (measured along the Town burn) to the south of the bridge over the same at Hada-way's carpet factory; thence in a straight line to the point first described.

## 8.—KILMARNOCK DISTRICT.

## DUMBARTON.

From the point, on the south-east of the town, at which the Gruggies burn joins the Firth of Clyde, up the Gruggies burn to the bridge on the road from Dumbarton to Glasgow; thence in a straight line, drawn due north-east, to the road from Bar Toll to Glasgow; thence, northward, along the road from Bar Toll to Glasgow to the point at which the same meets the Bonhill road; thence, northward, along the Bonhill road to a point which is distant two hundred yards (measured along the Bonhill road) from the point last described; thence, westward, in a straight line to a point on the Helensburgh road which is distant two hundred and fifty yards (measured along the Helensburgh road) from the point at which the same leaves the Luss road; thence in a straight line, drawn due south-west, to the shore of the Firth of Clyde; thence along the shore of the Firth of Clyde to the point first described.

From the point, on the south of the town, at which Kilmarnock water joins the river Irvine, in a straight line to a point on the



KILMARNOCK.

Irvine road which is distant three hundred and fifty yards (measured along the Irvine road) to the west of the point at which the same leaves Grange street; thence in a straight line to the point at which the road to Hill Head leaves the Kilmaurs road; thence in a straight line, through the summit of the Bonfire knowe, to the Kilmarnock water; thence in a straight line to the bridge over the Mill burn on the Mauchline road; thence down the Mill burn to the point at which the same joins the river Irvine; thence in a straight line to the Bells Land bridge on the road from Riccarton to Galston; thence in a straight line to the point called Witch knowe, at which two roads meet; thence in a straight line to the bridge over the Maxholm burn on the Ayr road; thence down the Maxholm burn to the point at which the same joins the river Irvine; thence down the river Irvine to the point first described.

RENFREW.

From the Milburn bridge over the Pudzeoch burn on the Glasgow road, in a straight line to a point up the Pudzeoch burn which is distant three hundred yards in a straight line from the said bridge; thence in a straight line to a point on the Greenock road which is distant two hundred and fifty yards (measured along the Greenock road) from the point at which the same leaves the Paisley road; thence in a straight line to a point on the river Clyde which is distant three hundred yards (measured along the river Clyde) below the point at which the same is joined by the canal; thence along the river Clyde to the point at which the same is joined by the canal; thence along the canal to the point at which the same is joined by the Pudzeoch burn; thence along the Pudzeoch burn to the bridge aforesaid.

KILMARNOCK  
DISTRICT.

From the point at which the river Clyde is joined by the Polmadie burn, up the river Clyde, to Dalmarnock bridge; thence in a straight line, through the point at which the road from Dalmarnock bridge to Muirkirk leaves the road from Dalmarnock bridge to Hamilton, to the point at which

**RUTHERGLEN.**

such straight line reaches the southern road from Rutherglen to Hamilton ; thence in a straight line to a point in the Castlemilk road which is distant seven hundred yards (measured along the Castlemilk road) from the point at which the same joins the main street of Rutherglen ; thence in a straight line to a point on the Newhouse road which is distant three hundred yards (measured along the Newhouse road) from the point at which the same leaves the Hangingshaws road ; thence in a straight line to the bridge over the Polmadie burn on the Glasgow road ; thence down the Polmadie burn to the point first described.

**PORT GLASGOW.**

From the point on the shore, west of the town, where Devols burn enters the Firth of Clyde, up the said burn to the waterfall in Devols glen ; thence in a straight line to a point in the mill-dam burn which is one thousand yards, measured along the same, above the point where it enters the Clyde ; thence in a straight line to a point on the boundary between the parishes of Port Glasgow and Kilmalcolm which is distant eight hundred yards, measured along the said boundary, from the point where it meets the Clyde ; thence down the said boundary to its termination on the shore ; thence west along the shore to the point first described.

**9.—HADDINGTON DISTRICT.****NORTH  
BERWICK.**

From the Yellow craig in a straight line to the point at which the Dunbar road would be cut by a straight line to be drawn thereto from the Isle of May lighthouse through the Yellow craig ; thence in a straight line to a point two hundred yards to the south of the middle of the Edinburgh road in the direction of a line drawn from the westernmost point of Craig Leith through the easternmost point of the rock called Craig-in-Touch or Powart rock ; thence in a straight line, in the direction of the said easternmost point of the rock called Craig-in-Touch or Powart rock, to the point at which such straight line cuts the shore of the Firth of Forth ; thence along the shore of the Firth of Forth to the Yellow craig.

DUNBAR.

From the point, on the south-east of the town, at which the eastern boundary of the town land meets the sea coast, along the eastern boundary of the town land, to the point at which the same meets the Berwick road; thence in a straight line, in the direction of the Hopetoun monument near Haddington, to the point at which such straight line cuts the road from Bowerhouse to Belhaven; thence along the road from Bowerhouse to Belhaven to the point at which the same meets the Belhaven burn; thence down the Belhaven burn to the point at which the same reaches the sea; thence along the sea coast to the point first described.

HADDINGTON.

From a point on the Dunbar road which is distant two hundred yards (measured along the Dunbar road) to the east of the point at which the Athelstonford road leaves the same, in a straight line to the north-eastern corner of the burial ground of St. Martins chapel; thence along the lane which leads to St. Martins chapel from the Moreham road to the point at which such lane joins the Moreham road; thence in a straight line to a point on the Gifford road which is distant two hundred yards (measured along the Gifford road) to the south of the point at which the same leaves the Moreham road; thence in a straight line to the point at which the river Tyne would be cut by a straight line to be drawn from the point last described to the northern end of Waterloo bridge; thence up the river Tyne to the Burgh mill-dam; thence in a straight line to a point on the Pencaitland road which is distant five hundred yards (measured along the Pencaitland road) to the west of the point at which the same leaves the High street of Haddington; thence in a straight line to the north-western corner of the premises of Bellevue, the westernmost of the Gallow Green feus; thence in a straight line to the point at which the road from Whisky row, by the eastern side of the glebe, is met by a cross road leading therefrom by Goatfield to the Athelstonford road; thence along the said cross road to

HADDINGTON  
DISTRICT.

the point at which the same joins the Athelstonford road; thence in a straight line to the point first described.

## JEDBURGH.

From the Flour Mill bridge over the river Jed, on the north-east of the town, in a straight line to the point at which the foot-path from Timpen Dean joins the Totches Baulk road; thence, westward, along the Totches Baulk road to the point at which the same meets the Tudhope loaning; thence in a straight line to a point on the Hawick road which is distant three hundred yards (measured along the Hawick road) to the south-west of the north-western angle of the enclosure of the castle; thence in a straight line to the Inchbonnie or second bridge over the river Jed; thence in a straight line to the point at which the new road to Oxnam joins the old road to Oxnam; thence in a straight line to the said Flour Mill bridge.

## LAUDER.

From a point on the Kelso road which is distant six hundred yards (measured along the Kelso road) from the church of Lauder, in a straight line to a point on the Lauder burn which is distant three hundred and fifty yards (measured along the Lauder burn) below the bridge over the same on the road to Woodhead and Gattonside; thence up the Lauder burn to the said bridge; thence in a straight line to a point on the Washing burn which is distant two hundred yards (measured along the Washing burn) above the bridge over the same on the Edinburgh road; thence down the Washing burn to the point at which the same meets the park wall of Thirlestane; thence, eastward, along the park wall of Thirlestane to the point at which the same reaches the Kelso road; thence along the Kelso road to the point first described.

## 10.—LEITH DISTRICT.

From the point at which the shore of the Firth of Forth would be cut by a straight line to be drawn thereto from the spire of the Tron church in Edinburgh through the point at which the feeder joins the western side of Lochend loch, in a straight line to

LEITH.

the said point at which the feeder joins the western side of Lochend loch; thence in a straight line to the point at which Pilrig street joins Leith walk; thence along Pilrig street and the Bonnington road to the point at which the latter joins the Queensferry road; thence, westward, along the Queensferry road to a point which is distant four hundred yards (measured along the Queensferry road) to the west of the point at which the same meets the Inverleith road at the house called Golden Acre; thence in a straight line to the point at which the Wardie burn joins the Firth of Forth; thence along the shore of the Firth of Forth to the point first described.

MUSSELBURGH.

From the point at which the Magdalene burn joins the Firth of Forth, up the Magdalene burn, to a point which is distant fifty yards (measured along the Magdalene burn) above Magdalene bridge; thence in a straight line, in the direction of the spire of Inveresk church, to the point at which such straight line cuts the river Esk; thence in a straight line to a point in the road from Newbigging to Inveresk which is distant two hundred yards (measured along such road) to the south of the point (in the street of Newbigging) at which the same leaves the road from Newbigging to Haddington and Prestonpans; thence in a straight line through the seventh mile stone on the road from Edinburgh to Haddington to the Ravenshaugh burn; thence down the Ravenshaugh burn to the point at which the same joins the Firth of Forth; thence along the shore of the Firth of Forth to the point first described.

LEITH  
DISTRICT.

PORTOBELLO.

From the fountain of Salt pans on the Musselburgh road, southward, in a straight line (in the direction of a straight line drawn from the east end of Inchkeith) to a point one hundred and fifty yards distant; thence in a straight line, in the direction of Nelson's monument on the Calton hill, to the point at which such straight line cuts the Duddingston road; thence, northward, along the Duddingston road to the point at which the same meets the Edinburgh road;

thence in a straight line to the point at which the shore of the Firth of Forth would be cut by a straight line to be drawn there-  
to from the summit of Arthur's Seat through the point last described; thence along the shore of the Firth of Forth to the point first described.

#### 11.—FALKIRK DISTRICT.

From the bridge over the South burn on the Glasgow road, along the South burn, to a point which is distant five hundred yards (measured along the South burn) to the east of the said bridge; thence in a straight line to a point on the Gartlee road which is distant five hundred yards (measured along the Gartlee road) to the south of the point at which the same meets Graham street; thence in a straight line to a point on the high road from Carlisle to Stirling which is distant one hundred yards (measured along such road) to the south of the point at which the same meets the Edinburgh road; thence along the said road to Stirling to the bridge on the same over the North burn; thence in a straight line to a point on the road from North Bridge street to New Monkland church which is distant five hundred yards (measured along such road) to the north of the bridge on the same over the North burn; thence in a straight line to the bridge over the railway on the Kirkintulloch road near Windhall; thence in a straight line to the bridge first described.

AIRDRIE.

From a point on the Edinburgh road which is distant four hundred yards (measured along the Edinburgh road) to the east of the bridge on the same over the east or meadow or Ladys Mill burn, in a straight line to the bridge on the Grange-mouth road over the same burn; thence along the said burn to the point at which the same passes under the Forth and Clyde canal; thence, eastward, along the Forth and Clyde canal to the point at which the same meets the road to Dalderse House; thence, northward, along the road to Dal-

FALKIRK.

derse House to a point which is distant three hundred yards (measured along the road to Dalderse House) from the point last described; thence in a straight line to a point on the Alloa and Carron road which is distant two hundred yards (measured along the Alloa and Carron road) from the point at which the same meets St. Davids lane; thence along the Alloa and Carron road to the point at which the same meets St. Davids lane; thence along the road to Burnhouse to the point at which the same meets the West burn; thence in a straight line to the twenty-fourth mile stone on the Stirling road; thence in a straight line to a point on the road by Burnhead and Gartcows to South Bantaskine which is distant one hundred yards (measured along such road) to the south-west of the point at which the same is met by the West burn; thence in a straight line to the south-eastern corner of the Parkfoot washing green; thence in a straight line to the point first described.

HAMILTON.

From Covan burn bridge, on the road to Lanark, in a straight line to the point in the lower park wall of Hamilton palace where it meets the great south avenue of the said palace; thence, westward, along the said wall to a point in the same six hundred yards beyond the intersection of the Cambuslang and Glasgow road with the said wall; thence in a straight line to the bridge on the said road over Wellhall burn; thence up the said burn to the point where it is met by the March fence between the burgh and the lands of Over Auchingraymont; thence, southward, along the said fence to the point where it meets the road to Earnock; thence in a straight line, through a point on the road to Strathaven which is five hundred and twenty yards (measured along the said road) south of the Butterburn bridge, continued until it meets the upper park wall of Hamilton palace; thence, eastward, along the said park wall to the point where it meets the Covan burn; thence down the same to the point first described.

FALKIRK  
DISTRICT.

## LANARK.

From a point on the river Clyde which is distant one hundred and fifty yards (measured along the river Clyde) below the bridge over the same on the southern branch of the Glasgow road, in a straight line to a point on the old road to Carluke which is distant one hundred and fifty yards (measured along such old road) from the point at which the same leaves the Glasgow road; thence in a straight line to the point, near Mansfield, at which the Jerviswood road leaves the northern Edinburgh road; thence in a straight line to a point on the southern Edinburgh road which is distant one hundred yards (measured along such road) to the east of the eastern corner of Browns square; thence in a straight line to the centre of the ruins of the parish church; thence in a straight line to a point on the river Clyde which is distant seven hundred and fifty yards (measured along the river Clyde) above the bridge over the same on the southern branch of the Glasgow road; thence down the river Clyde to the point first described.

## LINLITHGOW.

From a point on the Union canal which is distant one hundred and fifty yards (measured along the Union canal) to the north-east of the aqueduct over the Edinburgh road, in a straight line to the point at which the burn adjoins the eastern end of Linlithgow loch; thence along the southern shore of Linlithgow loch to the point at which the same is joined by the burn which runs therefrom across the Borrostownness road; thence along the last-mentioned burn to the bridge over the same on the Borrostownness road; thence in a straight line to a point on the Falkirk road which is distant one hundred and fifty yards (measured along the Falkirk road) from the point at which the Torphichen road leaves the same; thence in a straight line to the bridge marked No. 45, over the Union canal on the Bathgate road; thence in a straight line to the aqueduct over the Edinburgh road; thence along the Union canal to the point first described.



## 12.—AYR DISTRICT.

AYR.

From the end of the Mill-dam dyke on the right bank of the river Ayr, and on the east of the town, in a straight line to the Hawkhill bridge; thence along the road which passes the south-eastern side of the Newton muir, and in a line in continuation of the direction of such road, to the Half-mile burn; thence down the Half-mile burn to the point at which the same joins the firth of Clyde; thence along the shore of the firth of Clyde to the point at which the same is met by the road which runs thereto from the Holmstone toll bar, past the race course, and between the lands of Blackburn and Seafield; thence along the road last described to a point which is distant two hundred and sixty yards (measured along the same) to the east of the point at which the same crosses the old Maybole road; thence in a straight line to the point first described.

CAMPBELL  
TOWN.

From the point, on the south-east of the town, at which the Kilkerran burn joins the sea, up the Kilkerran burn to the point at which the same coming down from Ben-goillan nearly forms a right angle in turning towards the sea; thence in a straight line to the summit of the hill called Barley Bannocks; thence in a straight line to the bridge over the Witch burn on the South-end road; thence in a straight line to the point at which the road to Knockscalbert leaves the Inverary West road; thence in a straight line to the first point of the rock on Balligreggan hill; thence in a straight line, in the direction of the summit of the island of Avarr, to the point at which such straight line cuts the Baraskomil burn; thence down the Baraskomil burn to the point at which the same joins the sea; thence along the sea shore to the point first described.

AYR  
DISTRICT.

From the western angle of Point House, on the west of the town, in a straight line to a point which is distant three hundred yards due north of the same; thence in a straight line to the point at which the Dal-mally road meets the upper or great avenue

## INVERARY.

to Inverary castle; thence in a straight line to a point on the shore of loch Fine which is distant one hundred and fifty yards (measured along the shore) to the east of the north end of the pier; thence along the shore of loch Fine to that point thereof which is nearest to the point first described; thence in a straight line to the point first described.

## IRVINE.

From the flagstaff near the junction of the river Irvine with the sea (about one hundred yards south of the point where the pier head leaves the shore) in a straight line, through the stone at the western corner of the March fence of the minister's glebe, to the river Anwick; thence up the river Anwick to a point which is distant two hundred and ninety-five yards (measured along the river Anwick) above the bridge over the same, on the Kilmarnock road; thence in a straight line, in a north-westerly direction, to the point at which the burn called the Ministers Cast makes an angle in turning to the west; thence down "The Ministers Cast" to the point at which the same joins the river Irvine; thence down the river Irvine to that point thereof which is nearest to the flagstaff aforesaid; thence in a straight line to the flagstaff aforesaid.

## OBAN.

The space on the main land included within a circle described with a radius of one half mile from the point as a centre where the street leading to the old Inverary road meets the street along the shore.

## 13.—DUMFRIES DISTRICT.

## ANNAN.

From the point, on the north of the town, at which the Galla Bank burn joins the river Annan, in a straight line to a point on the Prestonfield road which is distant one hundred yards (measured along the Prestonfield road) from the point at which the same leaves the Prestonhall road; thence in a straight line to the point near New Dyke at which the Langholm road leaves the Carlisle road; thence in a

straight line through the Blindpeat well to the river Annan; thence up the river Annan to the point first described.

DUMFRIES.

From the point, on the north of the town, at which the Townhead branch of the Edinburgh road joins the English street branch of the same road, in a straight line to the bridge over the Maryholm burn on the Lincluden road; thence in a straight line to a point on the Terregles road which is distant five hundred yards (measured along Terregles street and the Terregles road) from the point at which Terregles street meets Galloway street; thence in a straight line to the point at which the Castle Douglas road leaves the Dalbeaty road; thence in a straight line to the point at which the left bank of the river Nith is cut by a straight line drawn thereto due west from the Maidens Bower craig; thence along the last-mentioned straight line to the point at which the same cuts the Caerlav-rock road; thence in a straight line to the point at which the road to Gillbrae leaves the road to Callside; thence in a straight line to a point which is distant one hundred yards due east from the point first described; thence in a straight line to the point first described.

KIRKCUDBRIGHT.

From the point, on the west of the town, at which the river Dee would be cut by a line to be drawn thereto parallel to the High street leading from the Market cross to Bar hill, from the point at which the new road to St. Mary's isle leaves the road to Dundrennan in a straight line through the point at which the road to St. Mary's isle leaves the road to Dundrennan to a point which is four hundred yards beyond the same; thence in a straight line to a point which is seven hundred yards due east of the northern extremity of the Stirling Acres embankment; thence in a straight line to the northern extremity of the Stirling Acres embankment; thence down the river Dee to the point first described.

DUMFRIES  
DISTRICT.

From the point, on the north-east of the town, near Bogle-hole, at which a burn

LOCHMABEN.

crosses the road to the bridge on Kennel water, in a straight line to a point on the bank of the Castle loch which is distant five hundred yards in a straight line to the south-east of the summit of the knoll of the old castle; thence in a straight line to the summit of the knoll of the old castle; thence in a straight line to a point on the Dumfries road which is distant five hundred yards (measured along the Dumfries road) to the west of the Town House; thence in a straight line to a point which is four hundred yards due west of the point first described; thence in a straight line to the point first described.

SANQUHAR.

From the point on the south of the town, at which the Town-fit burn joins the river Nith, up the Town-fit burn to a point which is distant two hundred and fifty yards (measured along such burn) to the north of the point at which the same crosses the Dumfries road; thence in a straight line to the bridge over the Crawick burn on the Whitehill road; thence down the Crawick burn to the point at which the same joins the river Nith; thence along the river Nith to the point first described.

## 14.—WIGTON DISTRICT.

NEW GALLOWAY.

From a point on the road to Kells church which is distant five hundred yards (measured along such road) to the north of the north-western corner of the Town House, in a straight line drawn due east to a point three hundred yards distant; thence in a straight line to a point which is distant three hundred yards due west from a point on the Kirkcudbright road which is distant four hundred yards (measured along the Kirkcudbright road) to the south of the Town House; thence in a straight line, through the said point on the Kirkcudbright road, to a point which is distant three hundred yards due west therefrom; thence in a straight line to a point which is distant three hundred yards due west from the point first described; thence in a straight line to the point first described.

STRANRAER:

From that point on the shore of loch Ryan which is due north-east of the point at which the two roads from Stranraer to Leswalt meet, in a straight line, through the point at which such two roads meet, to a point seven hundred yards beyond the same; thence in a straight line to the point at which the road from the church to Portpatrick meets the road from the meeting house to Portpatrick; thence in a straight line to a point on the Dumfries road which is distant seven hundred yards (measured along the Dumfries road) from the point at which the same is met by the road from the meeting house to Portpatrick; thence in a straight line, drawn due north-east, to the shore of Loch Ryan; thence along the shore of Loch Ryan to the point first described.

WHITHORN.

From a point on the Portwilliam road which is distant two hundred yards (measured along the Portwilliam road) to the west of the point at which the same leaves the Wigton road in a straight line to a point on the Glasserton road which is distant five hundred yards (measured along the Glasserton road) from the point at which the isle of Whithorn road leaves the same; thence in a straight line to a point on the isle of Whithorn road which is distant five hundred yards (measured along the isle of Whithorn road) from the point at which the same leaves the Glasserton road; thence in a straight line to a point on the road or street called the Raw, leading in a south-easterly direction from the Town House, five hundred yards distant therefrom (measured along the said road); thence in a straight line to a point on the Garlieston road which is distant two hundred yards (measured along the Garlieston road) from the point at which the same leaves the Wigton road; thence in a straight line to the point first described.

WIGTON  
DISTRICT.

From a point on the sea shore, on the north-east of the town, which is distant four hundred yards (measured along the shore) to the north of the point at which the Croft-en-Reich burn joins the sea, in a

WIGTON.

straight line to the point, at Trammond ford, at which the Glenluce road meets a road to Bladenoch; thence in a straight line to a point on the Bladenoch water which is distant one hundred yards (measured along the Bladenoch water) above Bladenoch bridge; thence down the Bladenoch water to the point at which the same joins the sea; thence along the sea shore to the point first described.

## CHAPTER LXVIII.

AN ACT for the more effectual Prevention of Trespasses upon Property by Persons in pursuit of Game in that Part of Great Britain called Scotland.

[17th July 1832.]

**W**HEREAS trespasses upon property by persons unlawfully engaged in the pursuit of game have recently become frequent in various parts of Scotland, and have, in many cases, been attended by acts of violence and intimidation, for the repression of which the laws now in force in that part of the United Kingdom provide no sufficient remedy, and that it is therefore expedient that more effectual and summary remedies should be provided: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any person whatsoever shall commit any trespass by entering or being, in the day-time, upon any land, without leave of the proprietor, in search or pursuit of game, or of deer, roe, woodcocks, snipes, quails, landrails, wild ducks, or conies, such person shall, on being summarily convicted thereof before a justice of the peace, on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, forfeit and pay such sum of money, not exceeding two pounds, as to the justice shall seem meet, together with the costs of the conviction; and that if any person having his face blackened, coloured, or otherwise disfigured for the purpose of disguise, or if any persons to the number of five or more together shall commit any trespass by entering or being, in the day-time, upon any land in search or pursuit of game, or of deer, roe, woodcocks, snipes, quails, landrails, wild ducks, or conies, each of such persons shall, on being summarily convicted thereof before a justice of the peace on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, forfeit and pay such sum of money, not exceeding five pounds, as to the said justice shall seem meet, together with the expenses of process: Provided always, that any person charged with any such trespass shall be at liberty to prove, by way of defence, any matter which would have been a defence to an action at law for such trespass.

Penalty on persons trespassing in the day-time upon lands in search of game, &c.

Penalty for so trespassing in disguise or to the number of five together.

Proviso.

II. AND be it enacted, that where any person shall be trespassing on any land, in the day-time, in search or pursuit of game, or woodcocks, snipes, quails, landrails, wild ducks, or conies, it shall be lawful for any person having the right of killing the game upon such land, or for the occupier of the

Such trespassers may be required to quit the land, and to give their names

and abodes ;  
and in case of  
refusal may be  
arrested.

Penalty.

Party arrested  
must be dis-  
charged, unless  
brought before  
a justice within  
12 hours.

What to be  
deemed day-  
time.

The above pro-  
visions as to  
trespassers not  
to apply to per-  
sons hunting,  
&c.

Game may be  
taken from  
trespassers not  
delivering up  
the same when  
demanded.

Penalty on  
trespassers  
assaulting any  
one executing  
this Act.

land, or for any gamekeeper or servant of either of them, or for any person authorized by either of them, to require the person so trespassing forthwith to quit the land whereon he shall be so trespassing, and also to tell his christian name, surname, and place of abode ; and in case such person shall, after being so required, offend by refusing to tell his real name or place of abode, or by giving such a general description of his place of abode as shall be illusory for the purpose of discovery, or by wilfully continuing or returning upon the land, it shall be lawful for the party so requiring as aforesaid, and also for any person acting by his order and in his aid, to apprehend such offender, and to convey him, or cause him to be conveyed, as soon as conveniently may be, before a justice of the peace ; and such offender (whether so apprehended or not), upon being summarily convicted of any such offence before a justice of the peace, at the instance of the owner or occupier of such land, or of the procurator fiscal for the county, on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, shall forfeit and pay such sum of money, not exceeding five pounds, as to the convicting justice shall seem meet, together with expences of process : Provided always, that no person so apprehended shall on any pretence whatsoever be detained for a longer period than twelve hours from the time of his apprehension until he shall be brought before some justice of the peace ; and that if he cannot, on account of the absence or distance of the residence of any such justice of the peace, or owing to any other reasonable cause, be brought before a justice of the peace within such twelve hours as aforesaid, then the person so apprehended shall be discharged at the end of that time, but may nevertheless be proceeded against for his offence by summons or warrant, according to the provisions herein-after mentioned, as if no such apprehension had taken place.

III. AND be it enacted, that for the purposes of this Act the day-time shall be deemed to commence at the beginning of the last hour before sunrise, and to conclude at the expiration of the first hour after sunset.

IV. PROVIDED always, and be it enacted, that the aforesaid provisions against trespassers shall not extend to any person hunting or coursing upon any lands with hounds or greyhounds, and being in fresh pursuit of any deer, hare, or fox already started upon any other land on which such person was entitled to hunt or course.

V. AND be it enacted, that where any person shall be found trespassing by day upon any land in search or pursuit of game, and shall then and there have in his possession any game, it shall be lawful for any person having the right of killing the game upon such land, or for the occupier of such land, or for any gamekeeper or servant of either of them, or for any other person authorized by either of them, or for any person acting by the order and in aid of any of the said several persons, to demand from such trespasser such game in his possession, and in case such trespasser shall not immediately deliver up such game, to seize and take the same from him, for the use of the person entitled to the game upon such land.

VI. AND be it enacted, that if any person being in the commission of a trespass shall assault or obstruct any person acting in the execution or in virtue of the powers and provisions of this Act, such person, on being convicted thereof before two justices of peace, on proof on oath by one or more

credible witness or witnesses, or confession of the offence, or upon other legal evidence, shall forfeit and pay any sum not exceeding five pounds, over and above any penalty which he may have incurred by contravening this Act, and in default of payment thereof at such time as to the said justices may seem fit, shall be imprisoned in the common gaol or house of correction (with or without hard labour) for a period not exceeding three months.

VII. AND be it enacted, that every penalty and forfeiture for any offence against this Act shall be paid to the moderator or other officer of the kirk session of the parish where the offence was committed, for the use and benefit of the poor of such parish.

VIII. AND be it enacted, that the justice or justices of the peace by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this Act, together with expences, may adjudge that such person shall pay the same either immediately or within such period as the said justice or justices shall think fit; and that in default of payment at the time appointed, such person shall be imprisoned in the common gaol or house of correction (with or without hard labour) as to the justice or justices shall seem meet, for any term not exceeding two calendar months, the imprisonment to cease upon payment of the amount and costs.

IX. AND be it enacted, that the justice or justices of the peace before whom any person shall be summarily convicted of any offence against this Act may cause the conviction to be drawn up according to the following form of words, or in any other form of words to the same or the like effect; (that is to say,) Form of conviction.

to wit. {B E it remembered, that on the day of  
in the year of our Lord at in the  
county of [or division, et cetera, as the case may be], A.O. is con-  
victed before me J.P., one [or us J.P. and J.J.P., two, as the case may  
require], of his Majesty's justices of the peace for the said county [et cetera],  
for that he the said A.O. did unlawfully on at trespass  
or was found trespassing in search or pursuit of game [et cetera, as the case  
may be], and I [or we] do adjudge that the said A.O. shall for the said  
offence forfeit the sum of [or we do adjudge that the said A.O.  
shall for the said offence forfeit the sum of ], and shall forthwith  
pay the said sum, together with the sum of of expences of process,  
and that in default of immediate payment of the said sums he the said A.O.  
shall be imprisoned [or imprisoned and kept to hard labour] in the  
of for the space of unless the said sums shall be  
sooner paid; [or, and I [or we] order that the said sums shall be paid by  
the said A.O. on or before the day of and in default  
of payment on or before that day I [or we] adjudge the said A.O. to be  
imprisoned [or imprisoned and kept to hard labour] in the of  
for the space of unless the said sums shall be sooner  
paid]; and I [or we] direct that the said sum of (i.e. the penalty)  
shall be paid to being the minister of, et cetera, to be by him applied  
according to the directions of the statute in such case made and provided;  
and I [or we] order that the said sum of of expences shall be  
paid to (the complainer). Given under my hand [or our hands]  
the day and year first above mentioned.

‘ J.P.

‘ [or J.P. and J.J.P.]’



Power to  
summon wit-  
nesses.

Penalty for  
disobedience  
of summons,  
&c.

Limitation of  
time for pro-  
secutions and  
summons, &c.

Prosecutor not  
required to  
negative li-  
cence, &c.

Convictions to  
be returned to  
sessions, and  
kept as evi-  
dence.

Appeal.

X. AND be it enacted, that it shall be lawful for any justice of the peace to issue his summons requiring any person to appear before himself, or any one or two justices of the peace, as the case may require, for the purpose of giving evidence touching any offence against this Act; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the justice or justices then and there present, or if any person appearing in obedience to such summons shall refuse to be examined on oath touching any such offence by the justice or justices then and there present, every person so offending shall, on conviction thereof before the said justice or justices, or any other justice or justices of the peace, forfeit and pay such sum of money, not exceeding five pounds, as to the convicting justice or justices shall seem meet.

XI. AND be it enacted, that the prosecution for every offence punishable by virtue of this Act shall be commenced within three calendar months after the commission of the offence; and that where any person shall be charged, on the oath of a credible witness, with any such offence before a justice of the peace, the justice may summon the party charged to appear before himself, or any one or two justices of the peace, as the case may require, at any time and place to be named in such summons; and if such party shall not appear accordingly, then (upon proof of the due service of the summons, by delivering a copy thereof to the party, or by delivering such copy at the party's usual place of abode to some inmate thereat, and explaining the purport thereof to such inmate,) the justice or justices may either proceed to hear and determine the case in the absence of the party, or may issue his or their warrant for apprehending and bringing such party before him or them, as the case may be; or the justice before whom the charge shall be made may, if he shall have reason to suspect, from information upon oath, that the party is likely to abscond, issue such warrant in the first instance, without any previous summons.

XII. AND be it declared and enacted, that it shall not be necessary in any proceeding against any person under this Act to negative by evidence any licence, consent, authority, or other matter of exception or defence; but that the party seeking to avail himself of any such licence, consent, authority, or other matter of exception or defence, shall be bound to prove the same.

XIII. AND be it enacted, that the justice or justices of the peace before whom any person shall be convicted of any offence punishable under this Act shall transmit every such conviction to the next court of general or quarter sessions of the peace for the county or division wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court.

XIV. AND be it enacted, that any person who shall think himself aggrieved by any conviction in pursuance of this Act may appeal to the justices at the next general or quarter sessions of the peace to be holden, not less than twelve days after such conviction, for the county or division wherein the cause of complaint shall have arisen, provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also remain either in custody until the sessions, or within such three days find a security by bail bond before a

justice, personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such security being found, the justice before whom the same shall be produced shall liberate such person if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be dealt with and punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, grant warrant for enforcing such judgment in common form.

XV. AND be it enacted, that no conviction in pursuance of this Act, or judgment given on appeal therefrom, shall be quashed for want of form, or be removed by advocacy, suspension, or reduction into any superior court of law; and that no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same.

Convictions, &c. not to be quashed for want of form, or removable by advocacy, &c.

XVI. PROVIDED always, and be it enacted, that nothing in this Act contained shall prevent any person from proceeding by way of civil action to recover damages in respect of any trespass upon his land, whether committed in pursuit of game or otherwise, save and except that where any proceedings shall have been instituted under the provisions of this Act against any person for or in respect of any trespass, no action at law shall be maintainable for the same trespass by any person at whose instance or with whose concurrence or assent such proceedings shall have been instituted, but that such proceedings shall in such case be a bar to any such action, and may be given in evidence to this purpose and effect.

This Act not to preclude actions for trespass; but no double proceedings shall be had for the same trespass.

XVII. AND for the protection of persons acting in the execution of this Act, be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of cause thereof, shall be given to the defender one calendar month at least before the commencement of the action; and no prosecutor shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defender.

Limitation of actions.

Notice of action.

Tender of amends.

XVIII. AND be it enacted, that nothing in this Act contained shall extend to England, Wales, or Ireland.

Extent of Act.

## CHAPTER LXIX.

AN ACT to prevent the Application of Corporate Property to the Purposes of Election of Members to serve in Parliament. [1st August 1832.]

**W**HEREAS the property belonging to cities, towns, cinque ports, and boroughs corporate in the United Kingdom of Great Britain and Ireland may be wasted and dissipated by the application thereof in or towards the expences attendant upon Parliamentary elections, to the great detriment

of such municipal corporations; and it is expedient to make provision to prevent such detriment, and also to ensure the freedom of election by restraining the application of corporate property as before mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall not be lawful for any municipal corporation as aforesaid, or any court, guild, council, or assembly constituting or composed of the ruling or governing part or class thereof, or any corporate officer, trustee, or other person acting on behalf of such corporation or any part thereof, to pay, transfer, give, bestow, or apply any sum or sums of money, or any parliamentary or other stocks, funds, or securities for money, or any personal chattel, belonging to or vested in the same corporation or any part thereof, or in any individual in trust for or for the benefit of such corporation, in satisfaction, compensation, or discharge of any expences incident to or incurred or occasioned by the election of a member to serve in the Commons House of Parliament, or by any person offering himself as a candidate at or previous to a parliamentary election; and that all bonds, covenants, recognizances, or judgments given, executed, or suffered by any such corporation, or any part or class thereof, or by any corporate officer, trustee, or other person in the name or on the behalf of such corporation, for the purpose of securing the payment of such expences, shall be utterly void.

Monies or personal property belonging to municipal corporations shall not be applied for expences of parliamentary elections;

and all bonds, &c. for securing the same shall be void.

Payments, &c. made for the purpose of inducing any person to exert himself in elections at a future time to be considered as within this Act.

II. AND be it further enacted, that any gifts, transfers, payments, or gratuities, bonds, covenants, recognizances, or judgments, made, paid, given, executed, or suffered by any corporation, part of a corporation, or corporate officer, or trustee, or other person as aforesaid, for the purpose of inducing or influencing any person or persons to labour in parliamentary elections at a future time, or to pay, satisfy, or incur any such expences as aforesaid at a future time, shall be deemed to be payments, transfers, applications, and securities forbidden and declared void by this Act, although the same may be ostensibly and colourably made, paid, given, executed, or suffered for any other cause or consideration.

All dispositions of real property, for the purpose of satisfying or securing any such expences, to be void.

III. AND be it further enacted, that all conveyances, mortgages, leases, or other assurances or dispositions of lands, tenements, or hereditaments, belonging to or vested in or held in trust for any municipal corporation, made or executed for the purpose of securing, satisfying, or compensating any expences, debts, payments, or disbursements, liabilities or engagements, incurred or to be incurred by the same corporation, or any part or class thereof, or any member, officer, or trustee thereof, or by any other person on behalf of such corporation, contrary to the true intent and meaning of this Act, and all estates, charges, and incumbrances thereby created, shall be utterly void.

All votes and other proceedings contrary to this Act to be void.

IV. AND be it further enacted, that all votes, orders, or resolutions, acts, bye laws, or other proceedings made, passed, or adopted by any municipal corporation, or any part or class thereof, or any member or members thereof, for the purpose of directing or authorizing, or pretending to direct or authorize, any payment, matter, or thing forbidden by this Act, or for the purpose of evading the provisions hereby enacted, shall be utterly void.

Corporate officers or others making

V. AND be it further enacted, that any corporate officer, trustee, or other person who shall make or concur in making any payment, transfer, or appli-

cation of corporation money, stocks, funds, or securities, or personal chattel, as aforesaid, contrary to the true intent and meaning of this Act, shall be deemed and taken to have made the same in his own wrong; and that he shall be individually liable to repay, satisfy, and make good the amount or value thereof to the same corporation, notwithstanding any release or pretended indemnity which may be given to him in the name of the same corporation or any part or class thereof, or by any person or persons on behalf of such corporation.

any payment or transfer contrary to this Act, to make good the amount or value so misapplied.

VI. AND in order to frustrate any fraudulent connivance or concealment, be it enacted, that it shall and may be lawful for any two or more freemen, burgesses, or corporators of such municipal corporation to commence, bring, and prosecute any action or suit, at law or in equity, in the name of the same corporation, against any officer, trustee, or other person who may have made such illegal payment, transfer, or application as above mentioned, in the same manner, to all intents and purposes, as if they, their executors and administrators, were jointly and severally appointed the irrevocable attorneys of such corporation for that purpose: Provided nevertheless, that before the defendant in such action or suit shall be required to plead or answer, the plaintiffs shall give reasonable security for payment of costs, in case any shall become due from them by the event of the action or suit, in such manner as the court in which the same shall be brought may direct; such costs to be taxed as between attorney and client.

Members of corporation may bring actions or suits in the name of the corporation against officers misapplying monies.

Plaintiffs to give security for costs.

VII. AND be it further enacted, that any member of a municipal corporation who shall authorize, direct, or command any payment, transfer, or application hereby forbidden, or who shall assent to or concur or participate in any affirmative vote, order, or proceeding relating thereto, or shall sign or seal in his individual capacity or affix the corporate seal to any deed or instrument hereby declared void, shall be guilty of a misdemeanor, and, being thereof legally convicted in his Majesty's Court of King's Bench at Westminster, shall, in addition to such punishment as the court may award, be for ever disabled to take, hold, or exercise any office in the same corporation.

Members of corporations offending against this Act guilty of a misdemeanor.

## CHAPTER LXXI.

AN ACT for shortening the Time of Prescription in certain Cases.

[1st August 1832.]

**W**HEREAS the expression "time immemorial, or time whereof the memory of man runneth not to the contrary," is now by the law of England in many cases considered to include and denote the whole period of time from the reign of King Richard the First, whereby the title to matters that have been long enjoyed is sometimes defeated by showing the commencement of such enjoyment, which is in many cases productive of inconvenience and injustice: For remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no claim which may be lawfully made at the common law, by custom, prescription, or grant, to any right of common or other profit or benefit to be taken and enjoyed from or upon any land of our sovereign lord the King, his heirs or successors, or any land being parcel of the duchy of Lancaster or of the duchy of Cornwall, or of any ecclesiastical or lay person,

Claims to right of common and other profits à prendre, (except tithes, &c.) not to be defeated

after thirty years enjoyment by merely showing the commencement of the right.

After sixty years enjoyment the right to be absolute, unless shown to be had by consent or agreement.

In claims of rights of way or other easements the periods to be twenty years and forty years.

Right to the use of light enjoyed for 20 years, indefeasible, unless shown to have been by consent.

The before mentioned periods to be deemed those next before a suit or action in which the claim is brought in question. What shall constitute an interruption.

In actions on the case, &c. the claimant may allege his right generally, as at present.

or body corporate, except such matters and things as are herein specially provided for, and except tithes, rent, and services, shall, where such right, profit, or benefit shall have been actually taken and enjoyed by any person claiming right thereto without interruption for the full period of thirty years, be defeated or destroyed by showing only that such right, profit, or benefit was first taken or enjoyed at any time prior to such period of thirty years, but nevertheless such claim may be defeated in any other way by which the same is now liable to be defeated; and when such right, profit, or benefit shall have been so taken and enjoyed as aforesaid for the full period of sixty years, the right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was taken and enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

II. AND be it further enacted, that no claim which may be lawfully made at the common law, by custom, prescription, or grant, to any way or other easement, or to any watercourse, or the use of any water, to be enjoyed or derived upon, over, or from any land or water of our said lord the King, his heirs or successors, or being parcel of the duchy of Lancaster or of the duchy of Cornwall, or being the property of any ecclesiastical or lay person, or body corporate, when such way or other matter as herein last before mentioned shall have been actually enjoyed by any person claiming right thereto without interruption for the full period of twenty years, shall be defeated or destroyed by showing only that such way or other matter was first enjoyed at any time prior to such period of twenty years, but nevertheless such claim may be defeated in any other way by which the same is now liable to be defeated; and where such way or other matter as herein last before mentioned shall have been so enjoyed as aforesaid for the full period of forty years, the right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was enjoyed by some consent or agreement expressly given or made for that purpose by deed or writing.

III. AND be it further enacted, that when the access and use of light to and for any dwelling house, workshop, or other building shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

IV. AND be it further enacted, that each of the respective periods of years herein-before mentioned shall be deemed and taken to be the period next before some suit or action wherein the claim or matter to which such period may relate shall have been or shall be brought into question; and that no act or other matter shall be deemed to be an interruption, within the meaning of this statute, unless the same shall have been or shall be submitted to or acquiesced in for one year after the party interrupted shall have had or shall have notice thereof, and of the person making or authorizing the same to be made.

V. AND be it further enacted, that in all actions upon the case and other pleadings, wherein the party claiming may now by law allege his right generally, without averring the existence of such right from time immemorial, such general allegation shall still be deemed sufficient, and if the same shall be

denied, all and every the matters in this Act mentioned and provided, which shall be applicable to the case, shall be admissible in evidence to sustain or rebut such allegation; and that in all pleadings to actions of trespass, and in all other pleadings wherein before the passing of this Act it would have been necessary to allege the right to have existed from time immemorial, it shall be sufficient to allege the enjoyment thereof as of right by the occupiers of the tenement in respect whereof the same is claimed for and during such of the periods mentioned in this Act as may be applicable to the case, and without claiming in the name or right of the owner of the fee, as is now usually done; and if the other party shall intend to rely on any proviso, exception, incapacity, disability, contract, agreement, or other matter herein-before mentioned, or on any cause or matter of fact or of law not inconsistent with the simple fact of enjoyment, the same shall be specially alleged and set forth in answer to the allegation of the party claiming, and shall not be received in evidence on any general traverse or denial of such allegation.

In pleas to trespass and other pleadings, where party used to allege his claim from time immemorial, enjoyment during the period mentioned in this Act may be alleged; and exceptions or other matters must be replied specially.

VI. AND be it further enacted, that in the several cases mentioned in and provided for by this Act, no presumption shall be allowed or made in favour or support of any claim, upon proof of the exercise or enjoyment of the right or matter claimed for any less period of time or number of years than for such period or number mentioned in this Act as may be applicable to the case and to the nature of the claim.

No presumption to be allowed in support of a claim on proof of enjoyment for less than the requisite number of years.

VII. PROVIDED also, that the time during which any person otherwise capable of resisting any claim to any of the matters before mentioned shall have been or shall be an infant, idiot, non compos mentis, feme covert, or tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted, until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods herein-before mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

Proviso where any person capable of resisting a claim is an infant, &c.

VIII. PROVIDED always, and be it further enacted, that when any land or water upon, over, or from which any such way or other convenient watercourse or use of water shall have been or shall be enjoyed or derived hath been or shall be held under or by virtue of any term of life, or any term of years exceeding three years from the granting thereof, the time of the enjoyment of any such way or other matter as herein last before mentioned, during the continuance of such term, shall be excluded in the computation of the said period of forty years, in case the claim shall within three years next after the end or sooner determination of such term be resisted by any person entitled to any reversion expectant on the determination thereof.

Time to be excluded in certain cases in computing the term of forty years appointed by this Act.

IX. AND be it further enacted, that this Act shall not extend to Scotland

Act not to extend to Scotland.

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## CHAPTER LXXII.

AN ACT to extend the Provisions of an Act of the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, relative to Remedies against the Hundred. [1st August 1832.]

7 & 8 Geo. 4. c. 31. **WHEREAS** it is expedient to extend the provisions of an Act made and passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled "An Act for consolidating and amending the laws in England relative to remedies against the hundred," to threshing machines: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any threshing machine, whether fixed or moveable, or any part thereof, shall be feloniously cut, broken, damaged, or destroyed by any persons riotously and tumultuously assembled together, then and in every such case the inhabitants of the hundred, wapentake, ward, or other district in the nature of a hundred, or by whatever name it shall be denominated, in which any such offence shall be committed, shall be liable to yield full compensation to the person or persons damnified by the offence, not only for the damage so done to any such machines as aforesaid, but also for any damage which may at the same time be done by any such offenders to any erection or fixture whatever in or about or belonging to any such machines.

Remedy may be had against the hundred for damages done to threshing machines.

Provisions of recited Act extended to threshing machines.

Act not to extend to Scotland or Ireland.

II. AND be it further enacted, that the several clauses, remedies, and provisions contained in the said recited Act shall extend and be construed to extend to such machines as are herein-before mentioned, as fully and effectually to all intents and purposes as if the same machines had been mentioned and particularized in the said recited Act.

III. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend to Scotland or Ireland.

## CHAPTER LXXV.

AN ACT for regulating Schools of Anatomy. [1st August 1832.]

**WHEREAS** a knowledge of the causes and nature of sundry diseases which affect the body, and of the best methods of treating and curing such diseases, and of healing and repairing divers wounds and injuries to which the human frame is liable, cannot be acquired without the aid of anatomical examination: And whereas the legal supply of human bodies for such anatomical examination is insufficient fully to provide the means of such knowledge: And whereas, in order further to supply human bodies for such purposes, divers great and grievous crimes have been committed, and lately murder, for the single object of selling for such purposes the bodies of the persons so murdered: And whereas therefore it is highly expedient to give protection, under certain regulations, to the study and practice of anatomy, and to prevent, as far as may be, such great and grievous crimes and murder as aforesaid: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty's principal secretary of state for

the time being for the home department in that part of the United Kingdom called Great Britain, and for the chief secretary for Ireland in that part of the United Kingdom called Ireland, immediately on the passing of this Act, or so soon thereafter as may be required, to grant a licence to practise anatomy to any fellow or member of any college of physicians or surgeons, or to any graduate or licentiate in medicine, or to any person lawfully qualified to practise medicine in any part of the United Kingdom, or to any professor or teacher of anatomy, medicine, or surgery, or to any student attending any school of anatomy, on application from such party for such purpose, countersigned by two of his Majesty's justices of the peace acting for the county, city, borough, or place wherein such party resides, certifying that, to their knowledge or belief, such party so applying is about to carry on the practice of anatomy.

Home secretary and secretary for Ireland to grant licences to practise anatomy.

II. AND be it enacted, that it shall be lawful for his Majesty's said principal secretary of state or chief secretary, as the case may be, immediately on the passing of this Act, or as soon thereafter as may be necessary, to appoint respectively not fewer than three persons to be inspectors of places where anatomy is carried on, and at any time after such first appointment to appoint, if they shall see fit, one or more other person or persons to be an inspector or inspectors as aforesaid; and every such inspector shall continue in office for one year, or until he be removed by the said secretary of state or chief secretary, as the case may be, or until some other person shall be appointed in his place; and as often as any inspector appointed as aforesaid shall die, or shall be removed from his said office, or shall refuse or become unable to act, it shall be lawful for the said secretary of state or chief secretary, as the case may be, to appoint another person to be inspector in his room.

Inspectors of schools of anatomy to be appointed.

III. AND be it enacted, that it shall be lawful for the said secretary of state or chief secretary, as the case may be, to direct what district of town or country, or of both, and what places where anatomy is carried on, situate within such district, every such inspector shall be appointed to superintend, and in what manner every such inspector shall transact the duties of his office.

Inspectors to have districts appointed, and their duties to be regulated.

IV. AND be it enacted, that every inspector to be appointed by virtue of this Act shall make a quarterly return to the said secretary of state or chief secretary, as the case may be, of every deceased person's body that during the preceding quarter has been removed for anatomical examination to every separate place in his district where anatomy is carried on, distinguishing the sex, and, as far as is known at the time, the name and age of each person whose body was so removed as aforesaid.

Inspectors to make quarterly returns of subjects removed for anatomical examination;

V. AND be it enacted, that it shall be lawful for every such inspector to visit and inspect at any time any place within his district, notice of which place has been given, as is herein-after directed, that it is intended there to practise anatomy.

and to inspect places where anatomy is practised.

VI. AND be it enacted, that it shall be lawful for his Majesty to grant to every such inspector such an annual salary not exceeding one hundred pounds for his trouble, and to allow such a sum of money for the expenses of his office as may appear reasonable, such salaries and allowances to be charged on the consolidated fund of the United Kingdom, and to be payable quarterly; and

Salaries to inspectors.



that an annual return of all such salaries and allowances shall be made to Parliament.

Persons having lawful custody of bodies may permit them to undergo anatomical examination in certain cases.

VII. AND be it enacted, that it shall be lawful for any executor or other party having lawful possession of the body of any deceased person, and not being an undertaker or other party intrusted with the body for the purpose only of interment, to permit the body of such deceased person to undergo anatomical examination, unless, to the knowledge of such executor or other party, such person shall have expressed his desire, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, that his body after death might not undergo such examination, or unless the surviving husband or wife, or any known relative of the deceased person, shall require the body to be interred without such examination.

Provision in case of persons directing anatomical examinations after their death.

VIII. AND be it enacted, that if any person, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, shall direct that his body after death be examined anatomically, or shall nominate any party by this Act authorized to examine bodies anatomically to make such examination, and if, before the burial of the body of such person, such direction or nomination shall be made known to the party having lawful possession of the dead body, then such last-mentioned party shall direct such examination to be made, and in case of any such nomination as aforesaid, shall request and permit any party so authorized and nominated as aforesaid to make such examination, unless the deceased person's surviving husband or wife, or nearest known relative, or any one or more of such person's nearest known relatives, being of kin in the same degree shall require the body to be interred without such examination.

Body not to be removed from the place of death for 48 hours, nor without notice to district inspector, or to some surgeon, nor without a certificate of cause of death.

IX. PROVIDED always, and be it enacted, that in no case shall the body of any person be removed for anatomical examination from any place where such person may have died until after forty-eight hours from the time of such person's decease, nor until after twenty-four hours notice, to be reckoned from the time of such decease, to the inspector of the district, of the intended removal of the body, or if no such inspector have been appointed, to some physician, surgeon, or apothecary residing at or near the place of death, nor unless a certificate stating in what manner such person came by his death shall previously to the removal of the body have been signed by the physician, surgeon, or apothecary who attended such person during the illness whereof he died, or if no such medical man attended such person during such illness, then by some physician, surgeon, or apothecary who shall be called in after the death of such person to view his body, and who shall state the manner or cause of death according to the best of his knowledge and belief, but who shall not be concerned in examining the body after removal; and that in case of such removal such certificate shall be delivered, together with the body, to the party receiving the same for anatomical examination.

Licensed professors, surgeons, and others may receive bodies for anatomical examination.

X. AND be it enacted, that it shall be lawful for any member or fellow of any college of physicians or surgeons, or any graduate or licentiate in medicine, or any person lawfully qualified to practise medicine in any part of the United Kingdom, or any professor, teacher, or student of anatomy, medicine, or surgery, having a licence from his Majesty's principal secretary of state or chief secretary as aforesaid, to receive or possess for anatomical examination, or to

examine anatomically, the body of any person deceased, if permitted or directed so to do by a party who had at the time of giving such permission or direction lawful possession of the body, and who had power, in pursuance of the provisions of this Act, to permit or cause the body to be so examined, and provided such certificate as aforesaid were delivered by such party together with the body.

XI. AND be it enacted, that every party so receiving a body for anatomical examination after removal shall demand and receive, together with the body, a certificate as aforesaid, and shall, within twenty-four hours next after such removal, transmit to the inspector of the district such certificate, and also a return stating at what day and hour and from whom the body was received, the date and place of death, the sex, and (as far as is known at the time) the christian and surname, age, and last place of abode of such person, or, if no such inspector have been appointed, to some physician, surgeon, or apothecary residing at or near the place to which the body is removed, and shall enter or cause to be entered the aforesaid particulars relating thereto, and a copy of the certificate he received therewith, in a book to be kept by him for that purpose, and shall produce such book whenever required so to do by any inspector so appointed as aforesaid.

Such persons to receive with the body a certificate as aforesaid, which shall be transmitted with a return to the inspector.

Particulars to be entered in a book.

XII. AND be it enacted, that it shall not be lawful for any party to carry on or teach anatomy at any place, or at any place to receive or possess for anatomical examination, or examine anatomically, any deceased person's body after removal of the same, unless such party, or the owner or occupier of such place, or some party by this Act authorized to examine bodies anatomically, shall, at least one week before the first receipt or possession of a body for such purpose at such place, have given notice to the said secretary of state or chief secretary, as the case may be, of the place where it is intended to practise anatomy.

Notice to be given of places where anatomy is about to be practised.

XIII. PROVIDED always, and be it enacted, that every such body so removed as aforesaid for the purpose of examination shall, before such removal, be placed in a decent coffin, or shell, and be removed therein; and that the party removing the same, or causing the same to be removed as aforesaid, shall make provision that such body, after undergoing anatomical examination, be decently interred in consecrated ground, or in some public burial ground in use for persons of that religious persuasion to which the person whose body was so removed belonged; and that a certificate of the interment of such body shall be transmitted to the inspector of the district within six weeks after the day on which such body was received as aforesaid.

How bodies are to be removed for examination.

Provision for interment.

Certificate of interment.

XIV. AND be it enacted, that no member or fellow of any college of physicians or surgeons, nor any graduate or licentiate in medicine, nor any person lawfully qualified to practise medicine in any part of the United Kingdom, nor any professor, teacher, or student of anatomy, medicine, or surgery, having a licence from his Majesty's principal secretary of state or chief secretary as aforesaid, shall be liable to any prosecution, penalty, forfeiture, or punishment for receiving or having in his possession for anatomical examination, or for examining anatomically, any dead human body, according to the provisions of this Act.

Licensed persons not to be liable to punishment for having in their possession human bodies.

XV. AND be it enacted, that nothing in this Act contained shall be construed to extend to or to prohibit any post-mortem examination of any human body required or directed to be made by any competent legal authority.

Act not to prohibit post-mortem examination directed by authority.

Recital of  
9 Geo. 4. c. 31.  
s. 4.

So much of  
the recited  
Act as directs  
that the bodies  
of murderers  
may be dis-  
sected repealed.  
Such bodies to  
be buried  
within the  
precincts of  
the prison.

Limitation of  
actions.

General issue.

Punishment  
for offences  
against this  
Act.

Interpretation  
of certain  
words in this  
Act.

[XVI.\*] And whereas an Act was passed in the ninth year of the reign of his late Majesty, for consolidating and amending the statutes in England relative to offences against the person, by which latter Act it is enacted, that the body of every person convicted of murder shall, after execution, either be dissected or hung in chains, as to the court which tried the offender shall seem meet; and that the sentence to be pronounced by the court shall express that the body of the offender shall be dissected or hung in chains, whichever of the two the court shall order: Be it enacted, that so much of the said last-recited Act as authorizes the court, if it shall see fit, to direct that the body of a person convicted of murder shall, after execution, be dissected, be and the same is hereby repealed; and that in every case of conviction of any prisoner for murder the court before which such prisoner shall have been tried shall direct such prisoner either to be hung in chains, or to be buried within the precincts of the prison in which such prisoner shall have been confined after conviction, as to such court shall seem meet; and that the sentence to be pronounced by the court shall express that the body of such prisoner shall be hung in chains, or buried within the precincts of the prison, whichever of the two the court shall order.

XVII. AND be it enacted, that if any action or suit shall be commenced or brought against any person for anything done in pursuance of this Act, the same shall be commenced within six calendar months next after the cause of action accrued; and the defendant in every such action or suit may, at his election, plead the matter specially or the general issue Not guilty, and give this Act and the special matter in evidence at any trial to be had thereupon.

XVIII. AND be it enacted, that any person offending against the provisions of this Act in England or Ireland shall be deemed and taken to be guilty of a misdemeanor, and being duly convicted thereof shall be punished by imprisonment for a term not exceeding three months, or by a fine not exceeding fifty pounds, at the discretion of the court before which he shall be tried; and any person offending against the provisions of this Act in Scotland shall, upon being duly convicted of such offence, be punished by imprisonment for a term not exceeding three months, or by a fine not exceeding fifty pounds, at the discretion of the court before which he shall be tried.

XIX. AND in order to remove doubts as to the meaning of certain words in this Act, be it enacted, that the words "person and party" shall be respectively deemed to include any number of persons, or any society, whether by charter or otherwise; and that the meaning of the aforesaid words shall not be restricted although the same may be subsequently referred to in the singular number and masculine gender only.

\* \* \* \* \*

[\* So much of this Act as provides that in every case of conviction of any prisoner for murder, the court shall direct such prisoner to be hung in chains, rep., 4 & 5 Will. 4. c. 26. s. 1. Section 16 is rep., 24 & 25 Vict. c. 95. s. 1, except as to Scotland, if and so far as it forms part of the law of Scotland.]

## CHAPTER LXXVIII.

AN ACT to continue certain Acts relating to the Island of Newfoundland, and to provide for the Appropriation of all Duties which may hereafter be raised within the said Island. [1st August 1832.]

WHEREAS an Act was passed in the fifth year of the reign of his late Majesty King George the Fourth, intituled "An Act for the better administration of justice in Newfoundland, and for other purposes": And whereas a certain other Act was passed in the said fifth year of his said late Majesty's reign, intituled "An Act to repeal an Act passed in the fifty-seventh year of the reign of his late Majesty King George the Third, intituled 'An Act to regulate the celebration of marriages in Newfoundland, and to make further provision for the celebration of marriages in the said colony and its dependencies'": And whereas by an Act passed in the tenth year of his said late Majesty King George the Fourth the said Acts were continued in force until the thirty-first day of December one thousand eight hundred and thirty-two: And whereas it is expedient that the said Acts be further continued in force until the same shall be repealed, altered, or amended by any Act or Acts which may for that purpose be made by his Majesty, with the advice and consent of any house or houses of general assembly which his Majesty may at any time see fit to convoke within the said colony of Newfoundland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for his Majesty, or for any governor, lieutenant governor, or officer administering the government of Newfoundland, in pursuance of any commission or instructions to him for that purpose addressed by his Majesty, with the advice and consent of any house or houses of general assembly which his Majesty may hereafter be pleased to convoke from among the inhabitants of the said colony, by any Act or Acts to be from time to time for that purpose passed, to repeal in whole or in part, or to amend, alter, or vary, the said recited Acts or any of them, or any part thereof; and that, until so repealed, amended, altered, or varied, the said recited Acts shall be and continue in full force and effect.

5 Geo. 4. c. 67.

5 Geo. 4. c. 68.

10 Geo. 4.  
c. 17.

His Majesty or the governor of Newfoundland and house of assembly may repeal or alter recited Acts, which shall in the meantime continue in force.

\* \* \* \* \*

## CHAPTER LXXX.

AN ACT to authorize the identifying of Lands and other Possessions of certain Ecclesiastical and Collegiate Corporations. [3d August 1832.]

WHEREAS the archbishops and bishops of the several dioceses, and the deans, and deans and chapters, archdeacons, prebendaries, and canons, and other dignitaries and officers of the several cathedral and collegiate churches and chapels, and the masters or other heads, and fellows and scholars or other societies of the several colleges and halls in the universities of Oxford and Cambridge, and of the colleges of Winchester and Eton, are proprietors of divers manors, messuages, lands, tenements, tithes, and hereditaments, and in many cases the boundaries or quantities and the identity of lands within such manors, and of such messuages, lands, tenements, and hereditaments, and of lands subject to any such tithes, or some part or parts thereof, are unknown

Archbishops, bishops, deans and chapters, &c. may enter into agreements or deeds of reference with their lessees, &c. to ascertain and settle unknown or disputed boundaries or quantities of manors, &c.

Referees to make surveys, maps, and admeasurements; to summon and examine witnesses on oath;

to call for all deeds, &c.;

to make awards, with maps thereto, on parchment or vellum.

Awards and maps to be laid before parties, and their approbation to be written thereon.

Awards and maps to be conclusive.

or disputed, and it would be a great benefit, as well to such proprietors respectively, as to their lessees, copyhold or customary tenants, sub-lessees, or under-tenants, their, his, or her heirs, executors, administrators, or assigns, if the said manors, messuages, lands, tenements, tithes, and hereditaments were identified, and the boundaries and quantities thereof ascertained and finally settled: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful to and for any archbishop, bishop, dean, dean and chapter, or other corporation aggregate or sole herein-before mentioned, to enter into an agreement of reference or deed of submission with his or their lessee or lessees, copyhold or customary tenant or tenants, sub-lessee or sub-lessees, under-tenant or under-tenants, his, her, or their heirs, executors, administrators, or assigns, or with the owner or owners of any other hereditaments adjoining to or intermixed with the said manors, messuages, lands, tenements, tithes, or hereditaments, whereby it shall be agreed that any unknown or disputed boundaries or quantities of such manors, messuages, lands, tenements, tithes, or hereditaments, or any part thereof, shall be referred to the adjudication of such person or persons as may be agreed upon and named by the said archbishop, bishop, dean, dean and chapter, or other corporation aggregate or sole, and by his or their lessee or lessees, copyhold or customary tenant or tenants, sub-lessee or sub-lessees, under-tenant or under-tenants, his, her, or their heirs, executors, administrators, or assigns, or by such owner or owners of any other hereditaments situate as aforesaid; and that such referee or referees shall be fully authorized to make or cause to be made surveys, maps, and admeasurements of the said manors, messuages, lands, tenements, tithes, and hereditaments, or any part thereof, and to summon any persons as witnesses, and examine them on oath (which oath he or they are hereby authorized to administer) touching or concerning any of the matters or things so referred as aforesaid, or in any way relating thereto; and also to call for the production of all surveys, maps, deeds, books, papers, and writings in the custody or power of any of the parties to the said reference, or of any other person or persons, of or concerning the matters in question; and the said referee or referees, having well and sufficiently investigated and considered the same, and all matters to him or them referred, shall and may make his or their award or awards in writing, under his or their hand and seal or hands and seals, with a map or maps drawn thereupon or thereunto annexed, and which said award or awards and map or maps shall be upon parchment or vellum, and shall award and determine, identify, delineate, and describe the boundaries, quantities, particulars, and situations of the said manors, messuages, lands, tenements, tithes, and hereditaments so referred to him or them as aforesaid; and the said award or awards and map or maps shall be laid before all the parties to any such agreement of reference or deed of submission, including the party or parties whose consent is required by this Act, whose approbation thereof shall be written upon the said award or awards, and shall be signed and sealed by them; and thereupon the said award or awards and map or maps shall be for ever afterwards binding upon all parties, and final and conclusive as to all matters therein contained or thereby referred to.

II. PROVIDED always, and be it further enacted, that in every case in which any of the powers herein-before contained shall be exercised by any bishop, dean, archdeacon, prebendary, or other ecclesiastical corporation sole, the deed of submission or agreement of reference, and also the approbation of the award, shall, in the case of a bishop, be executed by the archbishop of the province testifying his consent thereto; or in case of a dean, the same shall be executed by the dean and chapter testifying their consent thereto; or in the case of an archdeacon, prebendary, or other ecclesiastical corporation sole, the same shall be executed by the archbishop or bishop of the diocese testifying his consent thereto.

Certain consents required to render valid proceedings under this Act.

III. AND be it further enacted, that from and after the passing of this Act it shall and may be lawful to and for the said lessee or lessees, copyhold or customary tenant or tenants, sub-lessee or sub-lessees, under-tenant or under-tenants, and such other owner or owners as herein-before named, his, her, or their heirs, executors, administrators, or assigns, who at the time of making any reference authorized by this Act shall be tenant or tenants in fee tail, general or special, or for life or lives, and for the guardians, husbands, committees, or attornies of or acting for any such lessee or lessees, copyhold or customary tenant or tenants, sub-lessee or sub-lessees, under-tenant or under-tenants, and such other owner or owners as herein-before named, his, her, or their heirs, executors, administrators, or assigns, who at the time of making any such reference shall be respectively an infant or infants, feme covert or femes covert, or of unsound mind, or beyond the seas, or under any other legal disability, or otherwise disabled to act for themselves, himself, or herself, to sign, seal, and deliver any agreement of reference or deed of submission or approbation of any award or awards and map or maps authorized by this Act to be made, as fully and effectually to all intents and purposes as if such lessee or lessees, copyhold or customary tenant or tenants, sub-lessee or sub-lessees, under-tenant or under-tenants, and such other owner or owners as herein-before named, his, her, or their heirs, executors, administrators, or assigns, had been tenant or tenants in fee simple, and of full age, sole, of sound mind, or within the realm of England, and not under any other legal disability.

Power to tenants for life, &c. and guardians, &c. of infants, married women, lunatics, &c. to enter into reference.

IV. AND be it further enacted, that immediately after the execution by the parties of the instrument shewing their approbation of any award to be made by virtue of this Act, the agreement of reference or deed of submission, and also the award or awards and map or maps, authorized to be made by this Act, and a copy of the minutes of evidence whereupon the same is made, shall be deposited, in the case of any reference by any archbishop or bishop, in the office of their own registrar; and in case of any reference by any dean, dean and chapter, archdeacon, prebendary, canon, and other dignitary and officer of a cathedral or collegiate church or chapel, in the office of the registrar of the dean and chapter thereof; and in case of any reference by any masters or other heads, or by any fellows and scholars, or other societies herein-before named, in the office of the steward or other proper officer of their said colleges and halls; and every such registrar, steward, or other officer, or some person or persons on his behalf, shall produce the documents and papers so deposited with him, or any of them, at all proper and usual hours of business, to every person interested in the subject matter of such award, or to his or her agent

Agreements or deeds of reference, awards and maps, to be deposited in registry of archbishop, bishop, &c.

Deposited documents to be produced for inspection to parties interested.

Fees to registrars, &c.

duly authorized, who shall make application to inspect the same or any of them, and shall furnish a copy or copies of the same or any of them to every such person or agent who shall make application for such copy or copies; and every such registrar, steward, or other officer shall in every case be entitled to the sum of five shillings and no more for receiving and preserving the agreement of reference or deed of submission, award or awards, map or maps, and copy of the minutes of evidence as aforesaid; and the sum of one shilling and no more for every production of the same or any of them to be inspected; and the sum of sixpence and no more for every folio containing seventy-two words of every copy; and the sum of ten shillings and no more for every copy of a map so made as aforesaid.

Expences of reference how to be paid.

V. AND be it further enacted, that the expences attending every reference which shall be made under the authority of this Act, and all the proceedings hereby required relating to the same, shall be paid and borne by the parties thereto in such manner, shares, and proportions as they shall agree; and in case the said parties shall not make any agreement relating to such expences, then all such expences, or so much thereof as shall not be provided for by such agreement, shall be paid and borne by the said parties in equal moieties.

Extent of Act.

VI. PROVIDED also, and be it further enacted, that this Act shall extend only to that part of the United Kingdom called England and Wales.

#### CHAPTER LXXXI.

AN ACT to enable His Majesty to carry into effect a Convention made between His said Majesty and the Emperor of all the Russias. [3d August 1832.]

Convention between his Majesty and the Emperor of Russia, 16th November 1831.

WHEREAS by a convention made and signed at London on the sixteenth day of November in the year one thousand eight hundred and thirty-one, between his Majesty and the Emperor of all the Russias, his said Majesty and the said Emperor of all the Russias, considering that the events which had occurred in the United Kingdom of the Netherlands since the year one thousand eight hundred and thirty had rendered it necessary that the courts of Great Britain and Russia should examine the stipulations of their convention of the nineteenth day of May one thousand eight hundred and fifteen, as well as of the additional article annexed thereto, considering that such examination had led the two high contracting parties to the conclusion that complete agreement did not exist between the letter and spirit of that convention, when regarded in connection with the circumstances which had attended the separation that had taken place between the two principal divisions of the United Kingdom of the Netherlands, but that, on referring to the object of the above-mentioned convention of the nineteenth day of May one thousand eight hundred and fifteen, it appeared that that object was to afford to Great Britain a guarantee that Russia would on all questions concerning Belgium identify her policy with that which the court of London had deemed the best adapted for the maintenance of a just balance of power in Europe, and on the other hand to secure to Russia the payment of a portion of her old Dutch debt, in consideration of the general arrangements of the congress of Vienna, to which she had given her adhesion, arrangements which remained in full force, their said Majesties, being desirous that the same principles should continue to govern

their relations to each other, and that the special tie which the convention of the nineteenth day of May one thousand eight hundred and fifteen had formed between the two courts should be maintained, agreed upon and concluded the following articles, among others; that is to say, -

Article I.—In virtue of the considerations above specified his Britanic Majesty engages to recommend to his Parliament to enable him to undertake to continue on his part the payments stipulated in the convention of the nineteenth day of May one thousand eight hundred and fifteen, according to the mode and until the completion of the sum fixed for Great Britain in the said convention :

Article II.—In virtue of the same considerations his Majesty the Emperor of all the Russias engages that if (which God forbid) the arrangements agreed upon for the independence and the neutrality of Belgium, and to the maintenance of which the two high powers are equally bound, should be endangered by the course of events, he will not contract any other engagement without a previous agreement with his Britanic Majesty, and his formal assent :

And whereas the said convention has been ratified, and the ratifications thereof were exchanged on the twenty-first day of June last: And whereas by the stipulations of the said convention of the nineteenth day of May in the year one thousand eight hundred and fifteen, between his Majesty the King of the Netherlands and his late Majesty the Emperor of all the Russias, to which his late Majesty King George the Third agreed to be a party, mentioned in the said recited convention of the sixteenth day of November one thousand eight hundred and thirty-one, his Majesty the King of the Netherlands, by the first article thereof, engaged to take upon himself a part of the capital, and arrears of interest to the first day of January one thousand eight hundred and sixteen, of the Russian loan made in Holland through the intervention of the house of Hope and Company in Amsterdam, to the amount of twenty-five millions of florins, Dutch currency, the annual interest of which sum, together with an annual payment for the liquidation of the same, as thereafter specified, should be borne by and become a charge upon the kingdom of the Netherlands; and his Majesty the King of the United Kingdom of Great Britain and Ireland engaged on his part to recommend to his Parliament to enable him to take upon himself an equal capital of the said Russian loan, videlicet, twenty-five millions of florins, Dutch currency, the annual interest of which sum, together with an annual payment for the liquidation of the same, as thereafter specified, should be borne by and become a charge upon the government of his Britanic Majesty: And by the second article it was provided that the future charge to which their said Belgic and Britanic Majesties should be respectively liable in equal shares, on account of the said debt, was to consist of an annual interest of five per centum on the said capitals, each of twenty-five millions of florins, together with a sinking fund of one per centum for the extinction of the same, the said sinking fund being subject however to be increased, on the demand of the Russian government, to any annual sum not exceeding three per centum, the same to be payable till the capital of the said debt should be fully discharged, when the aforesaid charge for interest and sinking fund should wholly cease to be borne by their said Belgic and Britanic Majesties respectively: And by the third

Convention between the King of the Netherlands and the Emperor of Russia, to which his late Majesty agreed to be a party, 19th May 1815.



article their said Belgic and Britanic Majesties respectively bound themselves; on or before the usual day or days in each year on which the interest on the said debt should be due and payable, to deposit with the agent of the Russian government in Holland their respective proportions of the said interest and sinking fund as above specified: Provided always, that previously to the advance of each successive instalment so to be paid the said agent should be authorized to furnish a certificate to each of the said two high contracting parties, declaring that the preceding instalment had been duly applied in discharge of the interest and in reduction of the principal of the said debt, together with the corresponding payments on account of the Russian government on that part of the debt which should remain a charge on the said government: And by the fourth article it was provided that the Russian government should continue as theretofore to be security to the creditors for the whole of the said loan, and should be charged with the administration of the same, the governments of the King of the Netherlands and of his Britanic Majesty remaining liable and bound to the government of his Imperial Majesty each for the punctual discharge as above of the respective proportions of the said charge: And by the fifth article it was thereby understood and agreed between the high contracting parties, that the said payments on the part of their Majesties the King of the Netherlands and the King of Great Britain as aforesaid should cease and determine, should the possession and sovereignty (which God forbid) of the Belgic provinces at any time pass or be severed from the dominions of his Majesty the King of the Netherlands previous to the complete liquidation of the same; and it was also understood and agreed between the high contracting parties, that the payments on the part of their Majesties the King of the Netherlands and the King of Great Britain as aforesaid should not be interrupted in the event (which God forbid) of a war breaking out between any of the three high contracting parties, the government of his Majesty the Emperor of all the Russias being actually bound to its creditors by a similar agreement: And whereas an Act passed in the fifty-fifth year of the reign of his late Majesty King George the Third for carrying into effect the said last-mentioned convention: And whereas it is expedient that his Majesty should be enabled to carry into effect the said convention of the sixteenth day of November one thousand eight hundred and thirty-one: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, his heirs and successors, and they are hereby authorized, considering the circumstances of the separation between the two principal divisions of the United Kingdom of the Netherlands, to continue the payments stipulated in the said convention of the nineteenth day of May one thousand eight hundred and fifteen, according to the mode and until the completion of the sum fixed for Great Britain in the said last-mentioned convention, and to complete and carry into effect in all other respects the stipulations of the said last-mentioned convention, and of the said convention of the sixteenth day of November one thousand eight hundred and thirty-one; and all the powers given by the said recited Act to the lord high treasurer, or commissioners of the Treasury, or any three or more of them, for enabling his Majesty to make the payments required, and

55 Geo. 3.  
c. 115.

His Majesty  
may continue  
the payments  
stipulated in  
the convention  
of 19th May  
1815.

Powers of  
recited Act to  
continue in  
force.

to defray the expences which might be incurred in the execution of the said convention of the nineteenth day of May one thousand eight hundred and fifteen, and all the enactments in the said Act contained, shall be and continue in force, and shall be extended and applied to the completion and carrying into effect the stipulations of the said convention of the nineteenth day of May one thousand eight hundred and fifteen, and of the said convention of the sixteenth day of November one thousand eight hundred and thirty-one.

## CHAPTER LXXXV.

AN ACT to make a better Provision for the Superintendence of Charitable Institutions in Ireland maintained in the whole or in part by Grand Jury Presentments; and for the more effectual Audit of the Accounts of the same.

[3d August 1832.]

**W**HEREAS various houses of industry, infirmaries, hospitals, lunatic asylums, dispensaries, and other charitable establishments in Ireland, are supported in the whole or in part by grand jury presentment: And whereas it is expedient to provide for the more effectual superintendence and inspection of those establishments, and for the audit and examination of their accounts: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act it shall and may be lawful for the grand jury of any county, county of a city, or county of a town in Ireland, save and except the grand jury of the city of Dublin, and each and every such grand jury is and are authorized, empowered, and required, at each and every or any assizes or presenting term respectively, with the consent and approbation of the court or judge, to appoint not less than eight or more than twelve persons, one half of whom at the least shall be justices of the peace for the county, county of a city, or county of a town wherein such appointment shall take place, to be a board of superintendence of each and every charitable establishment supported in the whole or in part by grand jury presentment within such county, county of a city, or county of a town respectively; and that it shall and may be lawful for the grand jury, at any subsequent assizes or presenting term for any such county, county of a city, or county of a town, to appoint a new board of superintendence, or to remove any member or members of the existing board, as they shall think proper, and as the case may require, but so that there shall not be at any one time more than twelve members of any such board; and any three or more of such board of superintendence, one of whom at the least shall be a justice of the peace, shall be in all cases competent to do or perform any matter or thing whatsoever in execution of any duty required to be done and performed by the whole board of superintendence in virtue of any powers granted to them by this Act; and every act and thing done or performed by such three members of such board of superintendence, one of whom at the least shall be a justice of the peace, shall be as valid and effectual, to all intents and purposes whatsoever, as if done by the whole board of superintendence.

Grand juries may appoint boards of superintendence of the charitable establishments supported by presentment within the several counties, &c. of Ireland.

II. AND be it further enacted, that it shall and may be lawful for such board of superintendence to visit and inspect each and every such charitable or public

Duties of the boards of superintendence.

Report upon  
each establish-  
ment to be  
made to grand  
jury at assizes.

establishment as aforesaid, from time to time as they shall think fit, and to inquire into and examine into the management and discipline thereof, and into the mode in which the several laws, rules, and directions for the regulation of such charitable establishments are carried into effect, and to the accounts of receipts and expenditure, the attendance given by the several officers and attendants, and all such other matters and things as relate thereto, and also to examine into the state and repair of the buildings, the conduct and situation of the several patients and inmates, and of all officers or attendants, and to audit and examine the accounts and vouchers of such establishments, as aforesaid; and such board of superintendence shall make a report upon each such establishment to the grand jury at each and every assizes, such report containing a statement of income and expenditure, of the salaries paid, and attendance given by officers, and the number of patients admitted and discharged; and copies of such reports shall be annually printed by such grand jury with the list of presentments made at each assizes.

Saving of the  
rights of go-  
vernors, &c.

III. PROVIDED always, and be it further enacted, that nothing in this Act contained shall limit or abridge the legal powers and authorities of the several directors, governors, subscribers, committees, or managers, by whatever name they may be called, to whom the superintendence and control of their several charitable establishments is intrusted.

#### CHAPTER LXXXVI.

AN ACT to amend an Act of the Forty-fifth Year of His Majesty King George the Third, relating to Post Roads in Ireland. [3d August 1832.]

45 Geo. 3.  
c. 43.

46 Geo. 3.  
c. 134.

53 Geo. 3.  
c. 146.

1 Will. 4. c. 8.

WHEREAS by an Act passed in the forty-fifth year of the reign of his Majesty King George the Third, intituled "An Act to amend the laws for improving and keeping in repair the post roads in Ireland, and for rendering the conveyance of letters by his Majesty's post office more secure and expeditious," and by a certain other Act passed in the forty-sixth year of the reign of his late Majesty King George the Third, intituled "An Act to provide for the security and expedition of the conveyance of letters by the post in Ireland," and by a certain other Act passed in the fifty-third year of the reign of his Majesty King George the Third, intituled "An Act to amend an Act made in the forty-fifth year of his present Majesty, intituled 'An Act to amend the laws for improving and keeping in repair the post roads in Ireland, and for rendering the conveyance of letters by his Majesty's post office more secure and expeditious,'" provision was made for the repair and improvement of the several lines of post roads throughout Ireland, and, amongst other things, his Majesty's postmaster general for Ireland was authorized and required to cause certain surveys, estimates, and maps of such lines of road, and all advantageous improvements of the same, by cutting off angles or forming new lines, and widening to any breadth not less than forty-two feet nor more than fifty feet such parts of any road as might require widening: And whereas by an Act passed in the first year of the reign of his present Majesty, intituled "An Act for enabling his Majesty to appoint a postmaster general for the United Kingdom of Great Britain and Ireland," it was amongst other things enacted, that it should be lawful for

his Majesty, his heirs and successors, to appoint any one person to be postmaster general for the United Kingdom of Great Britain and Ireland, by the name and style of his Majesty's postmaster general; and all the powers, authorities, immunities, rights, and privileges theretofore belonging or appertaining to the postmaster general for Ireland were by the said last-recited Act, together with other powers and authorities, transferred to and vested in the person so to be appointed postmaster general for the United Kingdom of Great Britain and Ireland, and other his Majesty's dominions: And whereas all the powers, duties, and authorities by the before-recited Acts of the forty-fifth, forty-sixth, and fifty-third years of the reign of his late Majesty King George the Third, in respect of the procuring surveys, maps, plans, and estimates of post roads in Ireland, and all improvements of the same to be made, were transferred to and vested in the commissioners for the execution of an Act passed in the last session of Parliament, intituled "An Act for the extension and promotion of public works in Ireland": And whereas it is deemed expedient to extend the provisions of the said Acts of the forty-fifth, forty-sixth, and fifty-third years of the reign of his said late Majesty King George the Third to roads of a breadth not less than thirty-two feet: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all and singular the powers, authorities, immunities, rights, and privileges vested in the postmaster general, or in the said commissioners for the execution of the said Act for public works in Ireland, as to the surveying, making, forming, gravelling, fencing, widening, and repairing of roads in Ireland of a width not less than forty-two or more than fifty feet, shall extend to roads of a width not less than thirty-two feet nor more fifty feet; and all surveys, maps, plans, and estimates made or to be made of such last-mentioned roads shall be deemed and taken to be of like efficacy and authority in all respects, and dealt with and acted upon in like manner, as surveys, maps, plans, and estimates made of any road in Ireland of a width not less than forty-two feet or more than fifty feet; and all and singular other the powers and provisions contained in the said recited Acts or any of them, relating to roads of the width of forty-two feet, shall extend and the same are hereby extended to roads made or to be made in pursuance of this Act, as fully and effectually as if such powers and provisions were repeated and re-enacted in this Act, so far as such powers and provisions are applicable to and are not repealed or altered by this Act.

1 & 2 Will. 4.  
c. 33.

Powers of  
recited Acts  
extended to  
roads of a cer-  
tain width.

II. PROVIDED always, and be it further enacted, that in case his Majesty's mail shall be carried between any two places in a mail carriage drawn by one or two horses, it shall and may be lawful to make any road under the provisions of the said recited Acts of a width not less than twenty-four feet nor more than fifty feet; any thing herein-before contained to the contrary notwithstanding.

Width of road  
whereon the  
mails are  
carried in  
carriages drawn  
by one or two  
horses.

## CHAPTER LXXXVII.

AN ACT to regulate the Office for registering Deeds, Conveyances, and Wills in Ireland. [4th August 1832.]

Irish Act,  
6 Ann. c. 2.

9 Geo. 4.  
c. 57.

**W**HEREAS by an Act of Parliament made in Ireland in the sixth year of the reign of Queen Anne, intituled "An Act for the public registering of all deeds, conveyances, and wills that shall be made of any honors, manors, lands, tenements, or hereditaments," a public register office was established in the city of Dublin; and by other Acts of Parliament made in Ireland, and by certain Acts of Parliament of the United Kingdom, various provisions have from time to time been made in respect of such register office, and particularly by an Act of the ninth year of the reign of his late Majesty King George the Fourth, intituled "An Act to provide for the regulation of the public office for registering memorials of deeds, conveyances, and wills in Ireland": And whereas lord viscount Kilwarden, who at the time of passing the said last-mentioned Act was by patent registrar of the said office, has since died, and thereupon George Moore esquire, one of his Majesty's counsel in Ireland, who had for many years been deputy registrar, was, by the commissioners of his Majesty's Treasury, under the authority of the said last-mentioned Act, on or about the twenty-seventh day of July in the year one thousand eight hundred and thirty appointed registrar of the said office, and he now is registrar of the same; and certain other appointments in the said office were then also made: And whereas doubts have arisen as to the construction of certain of the provisions made by the said Acts in respect to the said register office; and some of the provisions of the said Act of the ninth year of his late Majesty King George the Fourth have been found inconvenient, and others to occasion an unreasonable expence to parties resorting for information to the said register office, and the remaining provisions to require alterations and amendments to be made therein: For remedy whereof it is requisite that the said last-mentioned Act should be repealed, but without invalidating the aforesaid appointments; and also that other provisions should be made for the future regulation of the said register office: . . . . .

Register office  
to consist  
of certain  
officers, with  
salaries as in  
schedule (A.).  
Filling up  
vacancies in  
the said office.

Securities  
to be given  
by officers.

II. AND be it further enacted, that the establishment of the said register office shall consist of a registrar, two assistant registrars, a first clerk, and two other clerks, as named, and with the yearly salaries mentioned in the schedule marked (A.) to this Act annexed, and of such a number of additional clerks and other persons as the service of the office shall require; and that hereafter upon the happening of any vacancy such registrar and assistant registrars, and also the said first clerk and two other clerks, shall be appointed by the lord high treasurer, or commissioners of his Majesty's Treasury, or any three or more of them; and that the said registrar and assistant registrars shall, previously to their entering upon the duties of their respective offices, each enter into a recognizance in the manner prescribed by the said Act of the sixth year of the reign of her Majesty Queen Anne, jointly with one or two sureties; and such recognizance in respect of every future registrar shall be in the sum of ten thousand pounds, conditioned for the true and faithful execution of the duties of his office, and with regard to each of the assistant registrars in two thousand pounds, with a like condition, and with a further condition to indemnify the registrar against any loss to be sustained by him

through the default or negligence of such assistant registrars in the execution of their duties, or of the orders or directions given by the registrar to them respectively; and such recognizance in ten thousand pounds shall, at and from the next vacancy, be in place and instead of the recognizance theretofore required of the registrar.

III. AND whereas it is right that the directions of the said register office should be confided to the registrar: Be it therefore enacted, that the direction, management, and superintendence of all departments in the office shall devolve as his duty upon the said registrar: Provided always, that in order to facilitate the business of the said register office, but nevertheless without in anywise diminishing the responsibility of the registrar for any act to be done as next herein-after mentioned, that the assistant registrars respectively be and each assistant registrar is hereby empowered, for and on behalf of the registrar, to take affidavits, sign official documents, and do all official acts necessary in the execution of the duties of the office; which power shall continue after a vacancy shall happen in the office of registrar until the said office shall be again filled up, in as full and ample a manner as if no vacancy had occurred; and that the said registrar shall, at his pleasure, remove any or either of the three clerks or other clerks or persons employed on the establishment, and also that he shall retain and employ such a number of additional clerks and other persons as from time to time may be necessary for the due and punctual discharge of the duties of the said office, and pay them weekly according to the work done by them respectively, and also make to any of such supernumerary clerks and other persons such further occasional or temporary allowances in money as the lord high treasurer, or any three of the commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland, by any Treasury minute made in respect of a particular case, or for the purpose of constituting a general scale of allowance applicable to all cases that may occur in the said register office, shall in that behalf from time to time order or direct; and the said assistant registrars, and all the clerks and other persons employed, shall obey the orders and directions of the registrar, as well with respect to attendance as to the duties which they respectively may be required to perform; and the registrar and all persons employed in the said register office shall perform the duties of their respective offices in person; and the assistant registrars and clerks shall not be absent from the said office without permission of the registrar.

Registrar to have the direction of the office.

Assistant registrars to take affidavits, sign documents, and do all official acts.

Clerks to be employed.

Assistants, &c. to be subject to registrar.

Duties to be performed in person.

IV. AND be it enacted, that accounts shall be kept of all sums of money received and paid in the said office; and that from and after the thirty-first day of December next ensuing the passing of this Act there shall be kept in the said registry office a book or books wherein all fees and sums of money whatsoever which shall be received in the said office shall from time to time be truly entered as and when the same shall be received, which book or books shall be produced by the registrar, or by some person on the establishment of the office, whenever the same shall be required by any person interested in demanding such production, or by any order of any of his Majesty's courts, or any judge of either of such courts, or of the said lord high treasurer, or commissioners of his Majesty's Treasury; and the entries therein, or any particular entry, shall, if required by any such order, be verified upon oath; and also that the said registrar shall keep a regular account of all sums of money dis-

Account to be kept of monies received and paid.

bursed in payment of the salaries by this Act authorized to be paid, and of all other the necessary expences and payments whatsoever incident to the execution of the said office; which accounts shall be made up every three calendar months, and be signed by the said registrar and by one or both of the assistant registrars; and moreover the said registrar shall, within thirty days next after the expiration of every quarter of a year, render true copies of such accounts to the vice treasurer of Ireland, and shall at the same time pay into the Bank of Ireland, to the credit of the consolidated fund, the balance upon or difference between such accounts then remaining in the hands of the said registrar, . . . . .

Balances to be paid into consolidated fund.

No fees to be taken but what are specified in schedule (B.).

V. AND be it further enacted, that from and after the said thirty-first day of December one thousand eight hundred and thirty-two there shall be paid and payable in the said office the several fees only which are specified in the schedule marked (B.) to this Act annexed, and no other fee or fees whatsoever; and if any person on the establishment of the said office, or employed in the said office, shall demand or receive, or cause to be demanded or received, any greater or other fees, and the same shall be proved against him, he shall forthwith be discharged from his place or employment in the said office: Provided always, that it shall be lawful for the registrar of the said office to require, in all cases where he shall think it proper so to do, that the said fees, or a reasonable sum on account thereof, shall be paid or deposited in advance, together with the amount of the stamps, when stamps shall be required to be used.

Hours of business in the said office.

VI. AND be it further enacted, that after the said thirty-first day of December one thousand eight hundred and thirty-two the said register office shall be kept open for business from the hour of ten in the forenoon until the hour of four in the afternoon of every day in the year, excepting only Sundays, Christmas Day, and Good Friday, and days of public fast or thanksgiving.

All persons may search books and take notes thereof, and inspect memorials upon paying fees.

VII. AND be it further enacted, that after the thirty-first day of December, during the said hours for business, all persons interested in making searches in the said register office shall have full liberty to search and examine the index, abstract, and transcript books thereof, and to take abstracts or other short notes of any of the matters in such books, and also to inspect, in the presence of some person belonging to the said office, any original memorial to which reference shall be obtained in such searches, upon every such person paying daily the fee for searching in the said office, and also, where such inspection shall be had, the inspecting fee by this Act appointed, and no more.

Head clerk's or common search revived.

VIII. AND whereas heretofore a description of search was made in the said register office called a head clerk's or common search, and it is desirable that this form of searching should be revived: Be it therefore enacted, that from and after the said thirty-first day of December, upon a request in writing by any person desirous of the same being left in the said register office, a head clerk's or common search shall be made, and a copy of the abstract of every memorial found to come within the terms of the said request shall be transcribed upon paper, and shall be signed by one of the clerks upon the establishment of the said office with his name, and also by one of the assistant registrars with the initial letters of his name, and with all convenient expedition

the same shall be delivered to the party making the request: Provided always, that it shall be lawful for the person making such request to except thereout any and every instrument of which he shall specify the date, description of instrument, and parties names, in a list at the foot of such request.

IX. AND whereas it is desirable that some change should be made in the method required by law for keeping the indexes of parties names and lands in the said office: Be it therefore enacted, that the form and manner of keeping such indexes now in use shall be continued to be followed up to and including the said thirty-first day of December, and no longer, to which time the entries and registry of all memorials then already brought into the office shall be completed as soon after that day as may be; and all books theretofore at any time used or kept in the said registry office, containing transcripts of memorials, abstracts of the contents of memorials, or indexes to memorials registered in the said office, shall be public property, and be preserved in the said office, and not be removed therefrom.

Present form of keeping indexes to cease on 31st December 1832.

Records to be preserved in the office.

X. AND whereas it is desirable that a different system of making and keeping indexes to the memorials should henceforth be adopted and followed, and, in order thereto, that, instead of continuing to number the memorials in one continued series from the establishing of the said register office, a different mode should be introduced: Be it therefore enacted, that from and after the said thirty-first day of December all the memorials that shall be registered in the said office shall be numbered in different series of not more than three hundred memorials in any one series.

Memorials to be numbered in different series of 300 each.

XI. AND be it further enacted, that from and after the said thirty-first day of December there shall be kept in the said office a book to be called the "Day Book," in which book the first entry of every memorial received into the said office shall be made, and in the same order in which the memorial shall be received in the office; and such entries shall be in the form or to the effect of the model of such a book set forth in the schedule marked (C.) to this Act annexed; and the number of every such first entry shall be the number of the memorial, and such number shall also forthwith be marked upon the memorial itself, and shall ever after, in association with the year and the volume in which the memorial shall be transcribed, remain the number of that memorial; and moreover, that as soon as three hundred memorials shall have been received, that number of memorials shall form the first series of memorials of the current year, and shall be made up into one file, on which file there shall be indorsed in very legible characters the year in which the memorials therein contained were received, and also the number of the volume in which the transcripts of the same memorials shall be entered; and the files of all the memorials received in each year shall be deposited and kept in a separate press or shelf, on which press or shelf the year shall be distinctly marked; and further, that so soon as one series of three hundred memorials shall have been received, another series, to consist of a like number, and to be numbered in like manner from one to three hundred, shall be begun, and so on in all time to come, except the last series of each year, which shall terminate with whatever number the last memorial received on the last office day in the year may bear, and the first memorial received in every new year shall be marked and entered as number one of the first series of memorials which shall be received in that year.

Manner of keeping the day book, and numbering and filing memorials.



Manner of  
keeping the  
abstract book.

XII. AND be it further enacted, that from and after the said thirty-first day of December, progressively as the said memorials shall be received in the said office, there shall be made and entered into a parchment book, to be called the "Abstract Book," an abstract or short statement of the effect of the instrument set forth in every such memorial, which abstract shall contain the year and day of registering, the volume and number of the memorial, the name of the instrument, the date of the instrument as given in the memorial, the names and descriptions of all the grantors and of one or more of the grantees, the consideration, the term, the rent, the renewal fines, the name and description of the premises, and the county and barony and parish wherein the premises are situated, the nature of the instrument, that is to say, whether a trust, marriage settlement, mortgage, or absolute or other conveyance, or such and so many of the foregoing particulars as are contained in the memorial of such instrument; and the abstract shall be entered in the abstract book in the form or to the effect of the model contained in the schedule distinguished by the letter (D.) to this Act annexed; and the said abstracts shall be entered in the said abstract book in the same order that the first entries of the memorials to which they relate were made in the day book, and each abstract shall have prefixed to it the very same number as the memorial, and as the day book entry of the registration of the memorial, of which it is an abstract, shall have had put upon them; and the abstract books of each year shall be kept separate, and such books shall be divided into parts to correspond with the files and volumes of transcripts of such year; and there shall be one at least duplicate copy of such abstract book made, wherein the entries shall be continually kept up.

Every memo-  
rial to be  
transcribed,  
and the day  
and hour of  
registry, &c.  
inserted in the  
margin.

Transcripts to  
be bound up  
in volumes of  
300 each.

Every memo-  
rial to be  
transcribed  
within sixty  
days.

Alphabetical  
index of names  
of grantors and  
grantees to be  
made.

XIII. AND be it further enacted, that as soon as the said abstracts shall have been made the memorials shall forthwith be faithfully and legibly transcribed upon parchment in the same order in which the memorials shall have been numbered in the day book; and in the margin of every transcript there shall be inserted a memorandum of the hour and day on which the memorial of which it is a copy was registered, and also the number of the memorial; and the transcripts of every three hundred memorials shall be bound together and form one volume, with the exception of any number less than three hundred at the end of the year, which shall make the last volume of that year; and on every volume of transcripts there shall be indorsed the year in which the memorials transcribed into it were received, and also the proper number of that volume in the series of volumes of transcripts in that year; and further, that every memorial received to be registered in the said office shall be fully and completely transcribed as aforesaid within the space of sixty days next after the day on which the same shall be so received.

XIV. AND whereas it is expedient that more adequate provision than has heretofore been made by law should be made for the preparation and reduction of well-compiled and sufficient alphabetical indexes of the persons and lands affected by the memorials registered therein: For remedy whereof be it further enacted, that previously to the said thirty-first day of December there shall be provided in the said register office a series of parchment books of sufficient size, which series of books shall be called the "Index of Names," and one book of the series shall be appropriated to the letter (A.), another book to the letter (B.), and so on through the alphabet; provided that any

one such book may have a second or even a third unfrequently used letter assigned to it, at the discretion of the registrar; and upon the pages of every book in such series there shall, before the year in which it is to be used begins, be distributed an alphabet with the letters of a second alphabet to each letter, in the following manner; (that is to say,) the letters A A at the head of a page at the beginning of the book, A B at the head of a page next to or not more than a few pages subsequent to the page in which the two former letters were inserted, and so on throughout a whole alphabet preceded by the letter (A.); then B A, and to the end of a second alphabet; then C A, and following the like course until every letter of the alphabet, thus repeated with a consecutive letter of a second alphabet, shall have been inserted, each as the head of a separate page of the book; provided that any one or more of such combinations of letters, of which no example of a name beginning with such letters had occurred in the said register office, may, at the discretion of the registrar, be omitted; into which book there shall be entered, by and under the two first letters of the name, the surname, and if ennobled, the title of honour, of the grantor in every memorial registered in the office; and to the said surname of the grantor there shall be subjoined the christian name of such grantor, and also the surname and the christian name of the grantee, followed, where there shall be more than one grantee, by the words "and another," or the words "and others," as the case may be, and also the first denomination of the lands, and the names of the county and barony, or of the city or town being a county of itself, and parish, wherein the lands affected by the instrument of which the memorial is registered is situated, and the year of registration, the respective numbers of the abstract and transcript books in which the memorial shall have been entered, and the number and file of the memorial; and where there shall be more than one grantor there shall be subjoined to the name of the first grantor the words "and another," or, as the case may be, the words "and others"; and the name of the second grantor shall form a second head of entry in the said index, and be followed by like words; and such last-mentioned entry shall be accompanied with the like particulars as last aforesaid; and where there shall be a third grantor, or any greater number of grantors, then in either of the said cases there shall also be a further like entry under the name of such third and every other grantor; and all such entries shall be made and completed before the time of opening the office for business on the morning next but two after the day on which such memorial shall have been delivered into the office for registry; and the series of books last aforesaid shall be continued three years, and the entries in that series shall then be closed, and a new series in a new set of books shall be begun; and this second series of books shall be continued four years, and the entries in that series shall then be closed, and a new series in a new set of books shall be begun in like manner; (that is to say,) the first or triennial series of current indexes shall continue to the end of the thirty-first day of December one thousand eight hundred and thirty-five; and the second or quadrennial series shall commence with the first day of January one thousand eight hundred and thirty-six, and shall end with the thirty-first day of December one thousand eight hundred and thirty-nine; and the next or quinquennial series shall begin with the first day of January one thousand eight hundred and forty, and shall continue to

The first series of books of such index to be continued for three years, the second for four years, and each series afterwards to be quinquennial.

the end of the thirty-first day of December one thousand eight hundred and forty-four ; and so in like manner shall each subsequent series contain five years and no more.

First and second series to be reduced into one, and every two subsequent series to be reduced into one decennial index, with duplicates.

XV. AND be it further enacted, that as soon as the second series of such indexes shall be closed the first and second of such indexes shall forthwith be consolidated into one index, in alphabetical order, under one alphabet, and also one or more duplicates of such index shall be forthwith made ; and as soon as a fourth series shall be closed, the third and fourth series shall be consolidated into one decennial index, and one or more duplicates be made thereof ; and in like manner in all time to come every two quinquennial current indexes shall be reduced into a decennial index, with one or more duplicates thereof.

Duplicate copy of the index of names to be made for use in the office.

XVI. AND whereas it is material that no delay or impediment whatsoever that can be avoided should be suffered by persons desirous of consulting the aforesaid index, and at the same time it is very necessary that the clerks and other persons employed in the said office should have time and fair opportunity to write up such index, both of which objects may in a far greater degree be obtained by having a duplicate copy of such index made : Be it therefore further enacted, that from the said thirty-first day of December one thousand eight hundred and thirty-two there shall be in all respects one at the least complete duplicate copy of the said index of names made in the said office, the entries wherein shall be continually kept up, and be in all respects the same as the entries in the said original index.

Index of lands to be provided.

XVII. AND be it further enacted, that previously to the said thirty-first day of December there shall be provided in the said office another series of sufficiently large parchment books, to be called the "Index of Lands"; and one book of such series shall be appropriated to each county and one to each city being a county of itself, and one book to every such number of towns, being counties of themselves, as heretofore it has been customary to index together, and one book to every such number of other towns as heretofore it has been customary to index apart from the counties in which they are situated ; and every book appropriated to a county shall be divided into baronies, and every book appropriated to a city being a county of itself, or to a number of towns, shall be divided into parishes or streets ; and each such book for counties shall contain separate divisions under the heads of baronies, and for cities or towns under the heads of parishes or streets, arranged alphabetically, with alphabetical subdivisions for denomination of lands ; into which books there shall be entered, by the initial letter of each name, the names of all lands, tenements, and hereditaments specified in every memorial registered in the office, and to the name of the land, tenement, or hereditament there shall be subjoined the name of the parish or the place respectively in which the same shall be described to be situated, and also the year of registry, and the page of the day book, and the number and volume respectively of the abstract and transcript books, and the number and file of the memorial relating thereto ; and all such entries also shall be made and completed before the time of opening the office for business on the morning of the seventh day after the day on which such memorial shall have been delivered into the office for registration ; and further, that such last-mentioned series of books shall, concomitantly with the index of names herein-before mentioned, be continued three years, and

Index to be in periods of five years ;

the entries in that series shall then be closed, and a new series in a new set of books shall be begun; and the series of books last aforesaid shall terminate at the end of the fourth year, and thereupon in like manner a new series, in a new set of such books, shall be begun and be continued during a period of five years; and a similar arrangement shall be made at the end of every subsequent period of five years; and at the end of seven years there shall be made a consolidated index of the two first periods; and subsequently, at the end of every second period of five years, a decennial like consolidation of such indexes of lands, and for the same times as is herein-before provided for the indexes of names, shall be made; and opposite to every such entry of lands there shall also be entered the surname and christian name of the grantor, and also the surname and christian name of the grantee; but where there shall be more than one grantor the name of the first grantor only shall be so entered, with the word "another," or "others," and where more than one grantee in like manner the name of the first grantee only, with the word "other," or "others": Provided always, that whenever and so often as it shall happen to be impracticable to make and complete all said entries within the time aforesaid, the registrar shall cause a public notice to be posted in some conspicuous part of said office to be assigned for the purpose of such notices by the registrar, stating to what day such entries are then made and completed.

and to be consolidated decennially.

XVIII. AND be it further enacted, that at the least one duplicate copy of the said index of lands shall be prepared, and used in like manner, as nearly as may be, as the duplicate copy of the index of names herein-before mentioned.

Duplicate copies of the index of lands to be prepared.

XIX. AND be it also enacted, that no book whatsoever, other than the common books of the office containing entries or abstracts of registered mortgages or annuity deeds, shall be kept in the said register office, for the private use or benefit or inspection of any bankers, merchants, or other persons.

No books except the common books of the office containing entries of mortgages or annuity deeds, to be kept for inspection.

XX. AND whereas by the tenth section of the aforesaid Act of the sixth year of the reign of her Majesty Queen Anne provision was made that the registrar or his deputy should, as often as required, make searches concerning all memorials registered in the said office, and give certificates concerning the same; and a doubt having arisen whether thereunder the registrar was obliged to give negative certificates in cases where the result of the search was that no memorial was found to have been registered, it was by the second section of an Act made in the Parliament of Ireland in the eighth year of the reign of his Majesty King George the First enacted, that upon a requisition called a note being left with the registrar or his deputy in the form and manner therein mentioned the said registrar should give negative certificates; which Act was in part repealed, and another form of note substituted, by an Act made in the Parliament of Ireland in the twenty-fifth year of his late Majesty King George the Third: And whereas a further doubt has arisen, whether the person requiring such a certificate may in the said note exclude by name from the search thereby required to be made any instrument of which he is already aware, or any instrument in respect of which he is in want of no further information, and at the same time retain a right to the remedy against the registrar and his deputy provided by that Act, and it is right that such last-mentioned doubt should likewise be removed: Be it therefore enacted, that so much of the said Act of the twenty-fifth year of his Majesty King George the Third as relates to the form of a requisition for a search and negative certificate, and to

Irish Acts: 6 Ann. c. 2. s. 10.

8 Geo. 1. c. 15. s. 2.

25 Geo. 3. c. 47. s. 2.

Recited Act 25 Geo. 3. c. 47. in part repealed.

the filing of the certificate, and to the form of such search, and the witnessing the same, be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

Requisition for search and certificate.

XXI. AND be it also enacted, that from and after the said thirty-first day of December every person who shall require such search and certificate to be made as aforesaid shall deliver unto or leave with the registrar or one of the assistant registrars of the said office a note or requisition, fairly written on parchment, in the words or to the effect following; (that is to say,)

Form of requisition.

‘ I DESIRE to have an abstract of every memorial registered in the office for registering deeds, conveyances, and wills in Ireland, of the acts of [here insert the name of the person] affecting [here insert the denomination of the manors, lands, tenements, or hereditaments] in the county of                      on and from the                      day of                      up to the time of making certificate upon this requisition: Except of the memorial of the following instrument [here insert the name and date of the instrument, and the name of the party or testator]. Dated at                      the                      day of                      one thousand eight hundred and

Exception.

‘ (Signed)                      A.B. [the person making the requisition.]’

Persons making requisitions may vary the terms of the same.

XXII. PROVIDED always, and be it further enacted, that the person making such requisition may limit or extend the search and certificate to one or several names of persons, and to a general period only, or to any particular period in respect of each name, and to one or several denominations of land, and for a general period, or for separate periods in respect of each denomination, or to both a name or names and a denomination or denominations, as he or she shall think fit, and may also vary the terms of such requisition and exception, or either of them, to suit any number and variety of instruments, dates, parties names, denominations of land, counties, baronies, and parishes, and in place of requiring an abstract of every registered memorial may require a full copy of a particular memorial, or of any number of particular memorials, or of every memorial within any period or periods, and only an abstract of every other memorial coming within the terms of such requisition, and further may make and lodge such requisition by any attorney or solicitor of one of the superior courts in Ireland, but in that case such attorney or solicitor shall sign the requisition with his own name, as attorney for such person.

Requisitions may be made by attorney.

Requisitions to be filed in the order received.

XXIII. AND be it further enacted, that the registrar or assistant registrar shall, upon the delivery of such requisition, file the same in the order in which it shall be received, and shall with all diligence give to the person making such requisition a certificate in the words or to the effect following; (that is to say,)

Form of certificate.

‘ AFTER diligent search made in the office for registering deeds, conveyances, and wills in Ireland, upon a requisition of which the following is a copy [here insert the whole requisition and exception], I certify, that there is not any memorial registered in the said office which comes within the terms of the said requisition whereof an abstract is not in this certificate truly set forth. Dated the                      day of                      one thousand eight hundred and

‘ (Signed)                      G.H., registrar.

‘ [or, I.K. assistant registrar.]’

Certificate may be varied.

XXIV. PROVIDED always, and be it enacted, that in every case wherein the requisition aforesaid shall, under the provision last herein-before contained,

be varied, that the said certificate also shall be varied to meet the terms of the requisition.

XXV. AND be it further enacted, that the abstract of each memorial inscribed in such certificate shall be in or to the effect of the form of abstract given in the schedule marked (C.) to this Act annexed, and shall set forth, as far as may be done from the memorial, the particulars mentioned in that form.

Form of abstract of memorial inscribed in certificate.

XXVI. AND be it further enacted, that such certificate shall, according to the contents thereof, be evidence against the registrar and the assistant registrar signing the same, as well of the extent and nature of the requisition as of the execution of the search; and the registrar, whether he shall personally have signed such certificate or not, and also the assistant registrar who may have signed such certificate, shall each of them be liable in damages and full costs to the party aggrieved or injured by any fraud, collusion, or neglect in making such search and certificate.

Certificate shall be evidence against the registrar; who shall be liable for neglect, &c.

XXVII. AND be it also enacted, that where any purchaser or party acquiring an interest in any manors, lands, tenements, or hereditaments shall be entitled to require of a vendor, or party parting with such interest, a negative search, the latter shall only be obliged to provide and furnish to the former a negative certificate of search, with an abstract in or to the effect of the form given in the schedule marked (C.) hereunto annexed, or as near thereunto as may be, of every memorial registered in the said office within the period comprised in such search: Provided always, that in every such case the requisition for such search shall contain no exception, unless the purchaser or party acquiring such interest, or his, her, or their attorney, shall have agreed in writing that an exception of a particular memorial or memorials shall be made in such requisition.

Certificate of negative search.

XXVIII. AND whereas it is expedient that a summary mode of hearing any complaint against any person in the said register office should be provided: Be it therefore enacted, that upon any complaint made on oath, before any of his Majesty's superior courts of law or equity in Dublin, of any neglect, default, or misconduct of the registrar or any assistant registrar or clerk employed in the said register office, it shall be lawful for such court, or any of the judges or a judge thereof, and the said court, judges or judge, are hereby required, in open court to hear and determine such complaint in a summary manner; and the said court, judges or judge, if they or he shall think proper, may examine upon oath the party complaining and the party complained against, and dismiss the complaint, with reasonable costs, if the complaint shall appear frivolous or vexatious, or award compensation to the complainant, or impose a pecuniary penalty or fine upon the party complained against to any amount not exceeding the sum of one hundred pounds, or adjudge the party complained of to be removed from his place in the said office, as the case may require, and shall forthwith cause a copy of the judgment pronounced upon such complaint to be laid before the lord lieutenant or other chief governor or governors of Ireland; and thereupon it shall be lawful for the said lord lieutenant or other chief governor or governors of Ireland to order the person upon the complaint against whom such judgment was given to pay such penalty, fine, or compensation, or to be removed from his office or employment in the said register office, or to order the said registrar, out of any salary that

Summary mode of hearing complaints against officers.

may be due or that shall accrue to the person against whom such judgment shall have been given, to pay and discharge such penalty, fine, or compensation aforesaid; and where such penalty or fine shall be imposed, the amount of such penalty shall be paid into the said register office, and shall be applied as if the same had accrued from fees paid in the said office; and in case of nonpayment of the damages aforesaid, the person to whom such compensation shall be ordered to be paid may sue for the same in an action of debt in any court of record in the city of Dublin.

Memorial to state where the lands affected thereby are situate.

If the original instrument contains a plan, a copy may be annexed to the memorial.

Memorials shall be compared with the original instruments.

In case the barony or parish is omitted in any instrument, the omission may be supplied as herein provided.

Number of grantors, of denominations

XXIX. AND whereas great difficulties have occasionally been experienced in the said register office from a want of a sufficiently full description being inserted in the memorial of the place in which the lands are situated, and it is fitting that in future memorials such omissions should not be left unsupplied: Be it therefore enacted, that from the said thirty-first day of December, in every memorial of any deed or instrument dated after the thirty-first day of December one thousand eight hundred and thirty-two, brought into the said office to be registered, there shall be specified the county and barony, or the town or county of a city, and parish, or the town and parish, in which the lands and every of them to be affected by registering such memorial are by such deed or instrument stated to be situated; and where the lands lie in two or more counties, or baronies or parishes or streets, or partly in one barony, parish, or street, and partly in another, the same shall be distinctly stated in the memorial from the deed; and further, that where the instrument to which the memorial relates shall contain a plan of the lands or of any part thereof, there may, if it be the pleasure of the party requiring the registration of the memorial, be inserted in or be annexed on parchment to the memorial of such instrument to be registered a copy of such plan; and moreover, that every memorial brought into the said office to be registered shall be there compared with the instrument of which it purports to be a memorial, and if the several particulars required by law to be in the memorial shall be contained therein, or such of the particulars by this Act required to be set forth in the abstract book herein-before mentioned as shall be contained therein shall be found to be truly stated from the instrument, then the memorial shall be registered, but not otherwise.

XXX. PROVIDED always, and be it enacted, that where a memorial shall be required to be registered of any instrument whatsoever, other than a will, which instrument shall bear date on or before the thirty-first day of December one thousand eight hundred and thirty-two, or a memorial of any will of any date whatsoever, in which instrument or will the barony or parish in which the land is situated is not mentioned, then and in that case, upon the fact being stated and verified in the affidavit of the execution of such memorial, in what barony or parish any manors, lands, tenements, or hereditaments comprised in such instrument or will, but of which the barony or parish has been omitted to be mentioned, are situated, such memorial shall in like manner be registered, and all the like entries shall be made in the said register office, from such affidavit, in respect of the omitted barony or parish, as if such barony or parish had been stated in the instrument or will and in the memorial thereof.

XXXI. AND be it further enacted, that upon every memorial brought into the said office to be registered there shall be indorsed the number of grantors,

the number of denominations of land, and also the number of folios, each of seventy-two words, contained in such memorial, which indorsement shall be signed by the person bringing such memorial to be registered; and if such indorsement shall be untrue, the person subscribing the same shall forfeit five pounds, to be recovered, by civil bill, by any officer in the said registry office who will sue for the same.

of land, and of folios, to be indorsed on each memorial. Penalty for untrue indorsement, 5l.

XXXII. AND whereas it is convenient that office copies of the memorials registered in the said register office should under certain limitations be received in evidence: Be it therefore enacted, that in all proceedings before any court of justice for all purposes whatsoever, an office copy of any memorial registered in the said office shall, upon such office copy being proved in like manner as an office copy of any other record, be received and taken as evidence of the contents of the memorial of which it purports to be an office copy, without the production of the original memorial: Provided always, that the party producing such office copy shall, if out of Dublin ten days, and if in Dublin eight days before producing the same, give notice in writing to the adverse party thereof; and provided also, that such adverse party shall not within four days after receiving such notice demand by a counter notice that the original memorial shall be produced; and in every case in which such counter notice shall be given, the costs of producing the original memorial shall be paid by either party, as the court in which the proceeding shall take place, or the taxing officer of such court, may determine.

Office copies of memorials to be received in evidence.

XXXIII. AND whereas the indexes or calendars of the said register office in former years are many of them in a dilapidated state, and some of the indexes have been compiled upon an ineligible plan; and, for the benefit of all persons requiring to make searches in the said office in the years hitherto elapsed, it is very desirable that better and more complete indexes and that abstract books should be prepared of all memorials registered in the said office, and to be registered therein, up to and including the said thirty-first day of December one thousand eight hundred and thirty-two: Be it therefore enacted, that like indexes, and also abstract books, as and when the funds of the office will permit the same abstract books also, in respect of such last-mentioned memorials, as by this Act are required with regard to all memorials to be registered after the said thirty-first day of December, shall, as far as the same may be practicable, be constructed, and the same shall be arranged in such periods as to the registrar shall seem most convenient and eligible, and in such manner that when the same shall be completed the whole shall, with the abstract books and indexes of memorials registered after the said thirty-first day of December form entire and consecutive sets of abstracts and indexes to all memorials in the said office, having each set respectively constructed throughout upon the same plan.

Indexes and abstract books to be prepared of memorials registered before 31st December 1832.

\* \* \* \* \*

XXXV. AND whereas it is of importance to the public that the business of the said register office should be carried on with all possible order, punctuality, and dispatch, and also that no greater fees should be charged in the said office than will amount annually to a sum of money sufficient to discharge the current expences of the establishment, when efficiently appointed, and to leave a certain excess to be applied to the particular purposes herein-before authorized; and the better to insure that these purposes shall be effected it is expedient



Register office,  
salaries, fees,  
&c. to be  
under the  
controul of  
the commis-  
sioners of the  
Treasury.

that the said register office should be placed under the controul next herein-  
after provided: Be it therefore enacted, that it shall be lawful for the said  
lord high treasurer, or commissioners of his Majesty's Treasury, or any three or  
more of them, from time to time, as to him or them shall appear needful, or  
conducive to public convenience, to regulate the said register office, and as well  
to determine what number of persons shall be employed in discharging the  
duties to be performed therein, as what the duty to be performed by each  
individual so employed shall be, and likewise to fix the respective amount of  
salary to be paid to each individual for his services in the said office, and  
further to dispense with the services of all or any one of the individuals now  
appointed or employed or hereafter to be employed in the said register office,  
or any part of such services, or to reduce the salary of any such individual;  
and in any of the said cases to make a reasonable compensation or annual  
allowance to such individual or individuals, as the said lord high treasurer or  
commissioners shall deem proper, and to direct the payment thereof out of the  
fees of the said office, or to authorize the registrar, in cases approved of and  
limited by the said lord high treasurer or commissioners, to make such advances;  
and, moreover, to order and direct all or any part of any surplus of the fees and  
monies received by the registrar of the said office to be laid out or expended in  
rendering the said register office more useful and convenient to the public,  
and to reduce, alter, or vary any of the fees, regulations, orders, or directions  
established or at any time hereafter to be established in the said register office,  
and to establish any other fees, regulations, orders, or directions: Provided  
always, that every regulation, order, or direction so made or given by the said  
lord high treasurer or commissioners aforesaid under this Act shall be forth-  
with laid before both Houses of Parliament, if Parliament shall then be sitting,  
and if Parliament shall not then be sitting, in that case within fourteen days  
after the next meeting of Parliament; and that the same shall not be carried  
into effect or become and be binding and conclusive until after the end of the  
session in which the same shall be so laid before both Houses of Parliament;  
and also provided that nothing herein contained shall be construed to authorize  
any reduction of the salary of the present registrar, or to alter the tenure by  
which the said present registrar holds his office.

Regulations to  
be laid before  
Parliament.

Registrar not  
to sit in  
Parliament.

XXXVI. AND be it declared and enacted, that no person holding the said  
office of registrar of deeds in Ireland shall be capable of being elected a member  
of or of sitting or voting in Parliament.

#### SCHEDULES to which the Act refers.

##### SCHEDULE (A.)

	Salary.
	£
George Moore, registrar - - - - -	1,500
Oliver Moore, first assistant registrar - - - - -	700
Francis Armstrong, hereby appointed second assistant registrar - - - - -	450
John Chapman, first clerk - - - - -	250
William Butler, second clerk - - - - -	250
William Davis, third clerk - - - - -	100

And also such number of other clerks, to be paid according to the work  
done, as the registrar shall from time to time think it necessary to  
employ.

## SCHEDULE (B.)

FEES to be taken in the Public Register Office in Dublin.

£ s. d.

Upon every memorial received into the office, except the memorial next mentioned, at the time of the delivery thereof to be registered :

Where such memorial shall contain not more than seven

folios, each of seventy-two words - - - 0 8 0

Above seven, .

For every additional folio or part of a folio - 0 0 6

And for the name of every grantor beyond the first grantor - - - 0 0 3

For every separate denomination of land which shall have to be separately entered in the index beyond the first - - 0 0 3

For every second certificate of registry or special certificate of registry, if the same shall not exceed a folio of seventy words - 0 0 6

And every additional folio thereof, or part of a folio - 0 0 6

Upon every memorial of a civil bill decree - - - 0 2 6

Entering the dissolution of an anonymous partnership - - - 0 5 0

Entering certificate of satisfaction of a mortgage - - - 0 5 0

From every person making searches in the office, including the liberty of taking notes or abstracts, each day - - - 0 2 6

For every original memorial or affidavit produced for inspection in the office - - - 0 0 6

For common searches made by the office under a requisition, upon names, for any period not exceeding ten years, for each different surname - - - 0 2 6

For every additional ten years or fractional part of ten years 0 2 6

And upon lands, the like fees for each denomination or alias denomination of land commencing with a different initial letter.

When both names and lands are stated in a requisition, the party desiring the search may direct it to be confined to either the lands or names.

For every copy of an abstract of a memorial, whether contained in a certificate of search or otherwise - - - 0 1 0

Making certified or negative search upon a requisition, upon names, for any period not exceeding ten years, for each different surname required - - - 0 5 0

For every additional year beyond ten years - - - 0 0 6

And upon lands, the like fees for each denomination or alias denomination of land commencing with a different initial letter.

For each copy of any memorial or certificate not exceeding three folios (including the search for such memorial and certificate of the officer on the copy) - - - 0 1 6

And for every additional folio or part of a folio beyond three folios - - - 0 0 6

Attending to produce any memorial or memorials in Dublin, each	£	s.	d.
day, for each cause - - - - -	0	6	8
The like, out of Dublin - - - - -	0	13	4
And for every day beyond a second day - - - - -	0	13	4
And for the expenses of travelling to and from any place at which such attendance shall be required, for every mile -	0	0	8

## SCHEDULE (C.)

Friday	12	15	Carter, James -	Bromley, William	5	270	Bromley.		
			The same - -	The same - -	5	271	Same.		
			Palmer, Thomas -	Dixon, Stephen -	5	272	Sowell -	J. E. Her- thorpe.	
			Varden, James - Lyle, Robert - Whitehorn, Fran- cis. Skinner, William, and wife.	} Pearce, James Parker.	5	273	Jones -	Edward Jones.	
			Hope, John Tho- mas.		Hopwood, Wil- liam.	5	274	Burgoyne	James Chal- craft.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

The first column is for the day of the week ; the second, the hour ; the third, the day of the month ; the fourth, the names of the grantors ; the fifth, the names of the grantees ; the sixth, the first denomination of the lands, the county, city, or town, and barony or parish, in which they are stated to be situated ; the seventh, the number of the volume of that year's registry, and likewise the number of the file of that year in which the memorial is deposited ; the eighth, the number of the memorial upon the registry, as well in the transcript and all other books as in the file the memorial is put away in ; the ninth, the name of the party, or the attorney or solicitor, bringing the memorial into the office.—All the entries in the foregoing nine columns are made by the officer ; and the tenth, the signature, by way of receipt of the person taking away the instrument after the memorial of it has been registered, and a certificate of the registration has been indorsed upon the instrument, which person must be the person who brought the deed to be registered, or his clerk.—The marks or short cross lines show that the indexes have been completed from the entries which precede them.

SCHEDULE (D.)  
Form of the Abstract Book.

Year and Day of registering, Volume of the Year, and Number of the Memorial.	Name of the Instrument.	Date of the Instrument.	Names of all the Grantors and One or more Grantees.		Consideration, Rent, Renewal Fines, Term.	Name, Description, and Situation of the Premises.	General Nature of the Instrument; whether Trust, Marriage Settlement, Mortgage, or a absolute Conveyance.
			Grantor.	Grantee.			
1830. 4. 140.	Lease for a year	1830, July 2 -	Ainsworth, John - Walsh, Mary. Smith, Samuel, and wife.	Carter, John, another.	Nominal - -	Castlemain, the lands of, in parish, barony, county.	Possession, to vest.
Reg. July 23.							

The figure 4 signifies the number of the volume in the year in which the transcript of the memorial is to be found, and also the number of the original memorial on the file on which it is kept; and 140 the number of the memorial on the file, and of the transcript of the memorial in the transcript book.

## CHAPTER LXXXVIII.

AN ACT to amend the Representation of the People of Ireland. [F]

[7th August 1832.]

**W**HEREAS it is expedient to extend the elective franchise to many of his Majesty's subjects in Ireland who have not heretofore enjoyed the same, and to increase the number of representatives for certain cities and boroughs in that part of the United Kingdom, and to diminish the expences of elections therein: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, in addition to the persons now by law qualified to vote at the election of knights of the shire for the several counties in Ireland, every male person of full age, and not subject to any legal incapacity, who shall be entitled, either as lessee or assignee, to any lands or tenements, whether of freehold or of any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years, whether determinable on a life or lives or not, and having a beneficial interest therein of the clear yearly value of not less than ten pounds over and above all rent and charges; or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than fourteen years, whether determinable on a life or lives or not, and having a beneficial interest therein of the clear yearly value of not less than twenty pounds over and above all rent and charges; or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than twenty years, and having a beneficial interest therein of the clear yearly value of not less than ten pounds over and above all rent and charges; shall be entitled to vote in the election of a knight or knights of the shire for the county in which such lands or tenements shall respectively be situate: Provided always, that no person, being such lessee or assignee of such term of twenty years, and no person, being only a sub-lessee, or the assignee of any underlease, shall have a right to vote in respect of any such term of sixty years, or fourteen or twenty years, as aforesaid, unless he shall be in the actual occupation of the premises; and provided also, that any renewal or new lease of the same premises, for the same rent and for a term not less than such original term, shall for the purposes of this Act be deemed to be a continuance of the same qualification as aforesaid.

Right of voting  
in counties at  
large in Ire-  
land extended  
to certain  
leaseholders;

and to 10/  
copyholders.

II. AND be it enacted, that every male person of full age, and not subject to any legal incapacity, who shall be seised at law or in equity of any lands or

[\* So much of this Act as relates to the registration of voters for the several counties, cities, towns, and boroughs in Ireland, having the right to send a member or members to serve in Parliament, and the expenses of such registration, and the payment of grand jury and municipal cesses, rates, and taxes, previous to and as a condition of registration in cities, towns, and boroughs, and the making of affidavits of registry, and the giving of certificates of registry, and the right of appeal by any rejected claimant, rep., 13 & 14 Vict. c. 69. s. 10., save as to the University of Dublin, and save as to the ascertainment of the assistant barrister, chairman, or deputy of such chairman before whom the sessions for the registration of voters for any such county, city, town, or borough is to be held, and save as to the yearly remuneration hereby provided for any such assistant barrister and chairman, and the remuneration provided for the deputy of such chairman in the case of the city of Dublin.]

tenements of copyhold tenure, for his life, or for the life of another, or for any lives whatsoever, or for any larger estate, of the clear yearly value of not less than ten pounds over and above all rents and charges payable out of or in respect of the same, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for the county in which such lands or tenements shall be respectively situate.

III. AND be it enacted, that nothing in this Act contained shall take away or in any manner affect the rights of voting for knights of the shire at present enjoyed by or which may hereafter accrue to any person by virtue of any law now in force, except so far as herein specially provided.

Not to affect present rights of voting in counties.

\* \* \* \* \*

V. AND be it enacted, that in every city or town, being a county of a city or county of a town by itself, and which shall return a member or members to serve in any future Parliament, in addition to the persons now by law qualified to vote at the election of such member or members, every male person of full age, and not subject to any legal incapacity, who shall be seised at law or in equity of any freehold estate in any lands or tenements within such city or town, and shall be in the actual occupation thereof, and who shall have a beneficial interest therein of the clear yearly value of ten pounds at the least above all rent and charges payable out of the same; or who shall hold as lessee or assignee any lands or tenements within such city or town, for such term, of such value, and subject to such provisions, as would under this Act, if such lands or tenements were situate in a county at large without the limits of such city or town, entitle such person to register his vote for such county; or who shall hold and occupy within such city or town, as tenant or owner, any house, warehouse, counting-house, or shop, which, either separately, or jointly with any land within such city or town occupied therewith by him as tenant under the same landlord or occupied therewith by him as owner, shall be bonâ fide of the clear yearly value of not less than ten pounds; shall, if duly registered according to the provisions of this Act, be entitled to vote in the election of a member or members to serve in any future Parliament for such city or town: Provided always, that no such occupier as last above mentioned shall be admitted to be registered under this Act unless he shall have occupied such premises as aforesaid for six calendar months next previous to the time of his registry, nor unless such occupier shall have paid or discharged all such grand jury and municipal cesses, rates, and taxes, if any, as shall have become legally due and payable by him in respect of such premises, over and above and except one half year's amount of such cesses, rates, and taxes aforesaid.

Right of voting in counties of cities and counties of towns extended to 10l. freeholders;

certain lease holders;

and 10l. householders if in occupation.

VI. AND be it enacted, that from and after the commencement of this Act no person, save as herein is provided, shall be registered or admitted to vote as a freeholder at any election of any member or members to serve in any future Parliament for any county of a city or county of a town in Ireland, unless such person shall have an estate of freehold in lands, tenements, or hereditaments, in such county of a city or county of a town, of the clear yearly value of ten pounds at the least above all charges, any law or statute to the contrary notwithstanding: Provided always, that nothing in this Act contained shall prevent any person now being a forty-shilling freeholder entitled to register as such from retaining (so long as he shall continue to be

No freehold of less than 10l. yearly value to give a vote in a county of a city or county of a town.

Saving as to 40s. freeholders now entitled to vote.

seised of the same lands or tenements) the right of voting in such election in respect thereof, if duly registered according to the provisions of this Act.

Right of voting in boroughs to be enjoyed by occupiers of houses, &c. of the annual value of 10*l*.

VII. AND be it enacted, that at all elections of a member or members to serve in any future Parliament for any city, town, or borough in Ireland, not being a county in itself, every male person of full age, and not subject to any legal incapacity, and duly registered according to the provisions of this Act, who shall hold and occupy within such city, town, or borough, as tenant or owner, any house, warehouse, counting-house, or shop, which, either separately, or jointly with any land within such city, town, or borough occupied therewith by him as tenant under the same landlord or occupied therewith by him as owner, shall be bonâ fide of the clear yearly value of not less than ten pounds, shall be entitled to vote in the choice of a member or members to serve in any future Parliament for such city, town, or borough. [Rep., Stat. Law Rev. Act, 1874.] ; . . . . .

\* \* \* \* \*

Saving of rights of freemen of cities to vote while resident within certain limits.

IX. PROVIDED always, and be it enacted, that all freemen, freeholders, and persons who by reason of any corporate or other right are now by law entitled to vote at the election of a member or members to serve in Parliament for any city, town, or borough, and all persons who, by reason of birth, marriage, or service, or of any statute now in force, shall be at any time hereafter admitted to their freedom in any city, town, or borough sending a member or members to Parliament, shall, after such registration as is directed by this Act, but so long only as they shall reside within the said city, town, or borough, or within seven statute miles of the usual place of election therein, have and enjoy such right of voting as fully and in like manner as if this Act had not been passed: Provided further, that no persons who since the thirtieth day of March in the year one thousand eight hundred and thirty-one have been or hereafter shall be admitted as honorary freemen shall be entitled by virtue of such admission to vote or register as freemen under this Act.

Honorary freemen not to vote.

Taxes and rates not to be deemed a charge payable out of an estate.

X. AND be it further enacted, that no public or parliamentary tax, county, church, or parish cess or rate, or any cess or rate upon any townland, or division of any parish, barony, or half barony, shall be deemed a charge payable out of any estate or tenement within the meaning of this Act.

Additional members for Limerick, Waterford, Belfast, Galway, and Dublin university.

XI. AND be it enacted, that the city of Limerick, the city of Waterford, the borough of Belfast, the county of the town of Galway, and the university of Dublin shall each respectively return one member to serve in each future Parliament, in addition to the member which each of the said places is now by law entitled to return.

Boundaries of cities, towns, and boroughs.

XII. AND be it enacted, that each of the cities, towns, and boroughs returning a member or members to serve in Parliament shall for the purposes of this Act include the place or places respectively which shall be comprehended within the boundaries of each of the said cities, towns, and boroughs respectively, as such boundaries shall be settled by an Act to be passed for that purpose in this present Parliament; which Act, when passed, shall be deemed and taken to be part of this Act as fully and effectually as if the same were incorporated herewith: . . . . .

No unqualified or unregistered person to vote.

XIII. AND be it enacted, that no person shall be admitted to vote at any election of a member or members to serve in any future Parliament for any county, city, town, or borough in Ireland, the university of Dublin excepted, unless such person shall have been qualified as aforesaid, and duly registered under this Act; . . . . .

XIV. AND be it further enacted, that after the commencement of this Act a special session, for the purpose of registering votes for each county, city, town, and borough in Ireland having the right to send a member or members to Parliament (the borough of the university of Dublin only excepted), shall be holden in each such county by and before the assistant barrister or chairman of such county, and in each such city, town, and borough respectively by and before the assistant barristers in the schedule (A.) hereunto annexed mentioned, on such day or days and at such places respectively as the lord lieutenant or other chief governor or governors of Ireland shall appoint;

A special session for registering voters to be holden for each county, city, town, and borough, at such days and places as the lord lieutenant shall appoint.

XVI. AND be it enacted, that at such special session the clerk of the peace or his deputy shall call the names of the persons contained in such list in alphabetical order, and shall again twice at the least during such sessions call over the names of all such persons as did not appear upon such first calling, and that each claimant's case shall be heard in the order of his appearance; and each person so called shall produce in open court the deed, lease, or instrument, if any, duly stamped, by virtue of which he shall claim a right to be registered, or shall, by his own oath, or otherwise as the assistant barrister shall require, sufficiently account for the non-production thereof; or if he shall not claim by virtue of a deed, lease, or instrument, or is disabled from producing such deed, lease, or instrument, then such person shall otherwise establish his right to be registered as such voter, pursuant to his said notice, according to the provisions of this Act; and such person, if claiming as a freeholder or leaseholder or householder, shall also make it appear that the property in respect of which he seeks to be so registered is of the value and nature by this Act prescribed, and that he is otherwise duly qualified to be registered according to the provisions of this Act: Provided always, that no person shall be bound to produce the title deeds of any landlord under whom he may hold, or derive, or make proof of such title; and that possession and perception of rent shall be deemed *prima facie* evidence of such landlord's title. [Rep., 13 & 14 Vict. c. 69. s. 10.]

Proceedings at the special sessions.

XVII. AND be it enacted, that the assistant barrister or chairman shall inspect and examine every deed, lease, or instrument so produced, and shall investigate the claim made thereunder, or otherwise, to be registered, and shall determine upon the validity or invalidity of such claim, and shall and may examine and inquire, as well by the oaths of the claimants as by any other evidence offered in support of or in opposition to such claim, whether such claimant is or is not to be registered as a voter for the county, city, town, or borough to which his claim shall relate, and in case of any claim in respect of the freehold, leasehold, or household property, whether the same be of the value and nature respectively hereby prescribed and required, and shall also inquire, by any of the means aforesaid, as he shall think fit, into the truth of the several particulars required by the provisions of this Act, or required to be stated in any oath by such claimant herein-after prescribed to be taken for such registry. [Rep., 13 & 14 Vict. c. 69. s. 10.]

Assistant barrister to investigate claims to be registered.

XIX. AND be it enacted, that if such assistant barrister or chairman shall deem such claimant to be entitled under this Act to be registered as a voter for the county, city, town, or borough to which his claim shall relate, and not be subject to any legal disqualification, such barrister or chairman shall so declare and adjudge. [Rep., 13 & 14 Vict. c. 69. s. 10.]; . . . . .

Assistant barrister to adjudge the claimant entitled.

XXI. AND be it enacted, that in case it shall appear to such barrister or chairman that any person claiming to be registered as a voter for any county, city, town, or borough is not entitled so to be registered, such barrister or chairman shall refuse to permit such person to be registered, and shall make an order accordingly; and when such refusal shall be on the ground of insufficiency of value, the order of refusal shall state such insufficiency as the ground of such order, or otherwise shall state the objection by reason whereof the claimant has been adjudged not to be entitled to be regis-

If claimant not entitled to register, assistant barrister shall so adjudge, and set forth the objection.



tered : Provided always, that such order shall be without prejudice to any future application to be registered which the person so rejected shall think fit to make at any subsequent general quarter sessions of the peace. [Rep., 13 & 14 Vict. c. 69. s. 10.]

\* \* \* \* \*

After the special sessions hereby directed voters may be registered at quarter sessions.

XXVII. AND be it enacted, that after the determination of the session hereby directed to be first holden for the registry of voters for counties, cities, towns, and boroughs, it shall be lawful for any person claiming a right so to be registered to apply for that purpose at any sessions of the peace or adjournment thereof to be held by and before the assistant barrister or chairman of the proper county, and by and before the assistant barrister or chairman by the said schedule (A.) to this Act annexed authorized to register voters for such city, town, or borough, upon giving to the clerk of the peace a notice of his intention so to do, in the form herein provided, twenty clear days at the least before the day appointed for the holding of such general or quarter session, and if within a county at large, in the division within which the freehold or leasehold interest intended to be registered shall be situate; and the clerk of the peace or his deputy shall in such case proceed in all respects in the same manner as herein-before prescribed with relation to applications for registering voters at the first session for that purpose hereby directed; and the assistant barrister of such county or chairman is hereby authorized and required to hear and determine such applications at such general or quarter sessions, and at the commencement of such sessions, and before any other business, civil or criminal, in the same manner in all respects as is herein-before provided with respect to applications to register at the sessions for that purpose to be first holden under this Act; and thereupon the same proceedings shall and may be had, the like orders made, the like oaths taken, the like certificates granted, the like rights and powers of appeal enjoyed and exercised, and the like rules and regulations, enactments and things observed, performed, and followed, as if such application had been made at the first session for registering votes directed to be held under this Act: . . . . .

\* \* \* \* \*

All election laws to remain in force, save as altered by this Act.

LV. AND be it enacted, that all laws, statutes, and usages now in force respecting elections of members to serve in Parliament for any county, city, town, or borough in Ireland shall, save so far as they are respectively repealed or altered by this Act, remain and they are hereby re-enacted and declared to be in full force; and that all elections for any member or members to serve in this present Parliament, to be hereafter had, shall be held and made as if this Act had not been passed.

\* \* \* \* \*

Penalties on officers, &c. for breach of duty.

LVII. AND be it enacted, that if any sheriff, clerk of the peace, town clerk, returning officer, or other person shall wilfully contravene or disobey any provisions of this Act, he shall for each such offence be liable to be sued for the sum of one hundred pounds, to be recovered by an action of debt or information, in the name of his Majesty's attorney general or any other person, in any of his Majesty's superior courts of record at Dublin; and the jury may in any such action find a verdict for the sum of one hundred pounds, or for any sum not less than ten pounds, as they shall think just; and the defendant against whom such verdict shall be found shall pay the amount thereof, with full costs of suit, to the use of his Majesty or of the person suing.

**LVIII.** AND be it enacted, that nothing herein contained shall in anywise prejudice or affect the right of any party grieved by any such misconduct of any sheriff, returning officer, or other person, to recover in an action on the case for a false return, or such other action as such person may by law be then entitled to maintain.

Not to pre-  
judice rights  
of action  
against officers.

**LIX.** AND be it enacted, that if any person, at the time of any election being in the enjoyment of any office disqualifying him from voting at such election, or being otherwise disqualified, or having ceased to be qualified, shall notwithstanding presume to vote at such election, such person shall forfeit to his Majesty a sum of one hundred pounds, and shall be liable to all penalties, forfeitures, and provisions to which he would have been subject for such offence by any law in force at the time of committing the same; and in case of a petition to the House of Commons for altering the return, or setting aside the election at which such person shall have voted, his vote shall be struck off by the committee, with such costs as to them shall seem meet, to be paid by him to the petitioner.

Disqualified  
person voting  
to be subject  
to penalties,  
and to have his  
vote struck off  
with costs on  
petition to  
House of  
Commons.

**LX.** AND be it enacted, that in addition to the persons now qualified to vote at the election of a member to serve in Parliament for the university of Dublin, every person, being of the age of twenty-one years, who has obtained or hereafter shall obtain the degree of master of arts, or any higher degree, or a scholarship or fellowship in the said university, and whose name shall be upon the books of the said university, shall be entitled to vote at any election of a member or members to serve in any future Parliament for the said university, so long as the name of such person shall be kept and continue to be kept on the books of the said university as a member thereof, subject however and according to the rules and statutes of the said university; provided always, that no person shall be entitled to vote at any election of a member or members to serve in any future Parliament for the said university by reason of any degree of a purely honorary nature.

Right of voting  
in the uni-  
versity of  
Dublin ex-  
tended to all  
masters of arts,  
fellows, and  
scholars, so  
long as their  
names are kept  
in the books of  
the university.

Honorary  
degrees not  
to confer votes.

**LXII.** AND be it enacted, that the words "city, town, or borough," used in this Act, shall be construed to include all places, whether corporate or otherwise, entitled to send a member or members to Parliament; and that the words "returning officer," used in this Act, shall be construed to include every person by his office entitled to preside at the election of a member or members to serve in Parliament, and to include several persons so entitled.

Interpretation  
of terms.

**LXIV.** AND be it declared and enacted, that every person entitled to two or more freehold estates or interests in any county, county of a city, or county of a town in Ireland, the annual value whereof shall in the aggregate amount to ten pounds according to the mode of valuing freeholds by this Act prescribed for the qualification of electors, and who shall in all other respects be duly qualified, shall be admitted to register and vote according to the provisions of this Act as if said separate freehold were one freehold, although no one of such freehold estates may be of such annual value of ten pounds according to such mode of valuation.

Separate free-  
holds of less  
value than 10l.  
to be counted  
together to  
make up one  
freehold of 10l.

**LXVI.** AND be it further enacted, that the lord lieutenant or other chief governor or governors of Ireland shall be and are hereby authorized, by warrant under his or their hand, to appoint, for the duty of presiding at the special sessions to be first held

Lord lieutenant  
may depute  
duty of pre-  
siding at the

special sessions  
to be first held  
under this Act  
to barristers of  
not less than  
six years  
standing.

for registering voters under this Act, in any county, city, town, or borough, or in any two or more of such counties, cities, towns, or boroughs, any barrister or barristers of not less than six years standing at the Irish bar to be assistant to or deputies of the assistant barrister or chairman; and when two or more barristers shall be appointed for the same county, riding, city, town, or borough, they shall attend at the same place together, but shall sit apart from each other, and hold separate courts at the same time for the dispatch of business; and that all the powers, duties, rights, and privileges given or imposed by this Act to or upon any assistant barrister or chairman, are and shall be by virtue of such warrant given to and imposed upon such assistants or deputies; and that all acts to be done by such deputies or assistants shall be of the same efficacy in law as if done by the assistant barrister or chairman upon whom such duties would have otherwise devolved under this Act. [Rep., Stat. Law Rev. Act, 1874.]

Remuneration  
to barristers  
and chairman.

LXVII. AND be it further enacted, that every barrister appointed to preside at any special sessions under this Act (such barrister not being an assistant barrister or chairman) shall be paid at the rate of five guineas for every day that he shall be so employed, over and above his travelling and other expences; and every such barrister, after the termination of his last sitting, shall lay or cause to be laid before the lord lieutenant or other chief governor or governors of Ireland a statement of the number of days during which he shall have been employed, and an account of the travelling and other expences incurred by him in respect of such employment; and such lord lieutenant or other chief governor or governors shall make an order for the amount to be paid to such barrister out of the consolidated fund; and [Rep., Stat. Law Rev. Act, 1874.] in order to provide a remuneration for the assistant barristers or chairman for the additional labour imposed on them by this Act, it shall and may be lawful for the said lord lieutenant or other chief governor or governors to direct that the said assistant barristers and chairman shall be paid, in addition to the salaries now by them receivable, such yearly sum not exceeding in any case the sum of one hundred pounds, at the discretion of the said lord lieutenant or other chief governor or governors, as he or they shall by warrant under his or their hand direct, such additional salaries to be payable at the same time and in the same manner as the salaries of the said assistant barristers are now payable.

Chairman of  
sessions of  
county of  
Dublin may  
perform his  
duties by  
deputy.

LXVIII. PROVIDED always, and be it further enacted, that in order to enable the chairman of the sessions for the county of Dublin to discharge the duties imposed on him by this Act, with regard to the registry of voters in and for the city of Dublin, at such sessions as are to be holden for that purpose after the first or special sessions for registering voters, it shall and may be lawful for the chairman of the sessions of the county of Dublin to discharge the duties of such subsequent registries in and for the city of Dublin by a sufficient deputy, to be appointed by such chairman for that purpose, and which deputy shall be a barrister of six years standing at the least at the Irish bar; and shall be approved of by the lord lieutenant or other chief governor or governors of Ireland; and that all the powers, duties, rights, and privileges given or imposed by this Act upon such chairman respecting such registries are and shall be, by virtue of such appointment and approbation as aforesaid, given to and imposed on such deputy; and that all acts done by such deputy respecting such registries in and for the said city of Dublin shall be of the same efficacy in law as if done by the said chairman himself; and such deputy shall, at the end of each sessions, be paid and remunerated in the same manner and at the same rate as any other deputy appointed to register votes under this Act.

\* \* \* \* \*

## SCHEDULES to which the foregoing Act refers.

## SCHEDULE (A.)

LIST of ASSISTANT BARRISTERS and CHAIRMAN before whom Sessions for registering Votes in each City, Town, or Borough are to be held.

SESSIONS FOR	BEFORE
Armagh borough	- Assistant barrister of Armagh county.
Athlone borough	- Assistant barrister of Westmeath county.
Bandon Bridge borough	- Assistant barrister of west riding of Cork county.
Belfast borough	- Assistant barrister of Antrim county.
Carlow borough	- Assistant barrister of Carlow.
Carrickfergus borough	- Assistant barrister of Antrim county.
Cashel borough	- Assistant barrister of Tipperary county.
Clonmel borough	- Assistant barrister of Tipperary county.
Coleraine borough	- Assistant barrister of Londonderry county.
Cork city	- Assistant barrister of east riding of Cork county.
Downpatrick borough	- Assistant barrister of Down county.
Drogheda borough	- Assistant barrister of Louth county.
Dublin city	- Chairman of sessions of county of Dublin.
Dundalk borough	- Assistant barrister of Louth county.
Dungannon borough	- Assistant barrister of Tyrone county.
Dungarvan borough	- Assistant barrister of Waterford county.
Ennis borough	- Assistant barrister of Clare county.
Enniskillen borough	- Assistant barrister of Fermanagh county.
Galway town	- Assistant barrister of Galway county.
Kilkenny city	- Assistant barrister of Kilkenny county.
Kinsale borough	- Assistant barrister of east riding of Cork county.
Limerick city	- Assistant barrister of Limerick county.
Lisburn borough	- Assistant barrister of Antrim county.
Londonderry city	- Assistant barrister of Londonderry county.
Mallow town	- Assistant barrister of east riding of Cork county.
Newry borough	- Assistant barrister of Down county.
Portarlington borough	- Assistant barrister of Queen's county.
Ross (New) borough	- Assistant barrister of Wexford county.
Sligo borough	- Assistant barrister of Sligo county.
Tralee borough	- Assistant barrister of Kerry county.
Waterford city	- Assistant barrister of Waterford county.
Wexford borough	- Assistant barrister of Wexford.
Youghal borough	- Assistant barrister of east riding of Cork county.

\* \* \* \* \*

## CHAPTER LXXXIX.

AN ACT to settle and describe the Limits of Cities, Towns, and Boroughs in Ireland, in so far as respects the Election of Members to serve in Parliament. [7th August 1832.]

2 & 3 Will. 4.  
c. 88.

**W**HEREAS by an Act passed in this present session of Parliament, intituled "An Act to amend the representation of the people of Ireland," it is amongst other things provided, that each of the cities, towns, and boroughs returning a member or members to serve in Parliament should, for the purposes of the said recited Act, include the place or places respectively which should be comprehended within the boundaries of each of the said cities, towns, and boroughs respectively, as such boundaries should be settled by an Act to be passed for that purpose in this present Parliament, which Act, when passed, should be deemed and taken to be part of the said recited Act, as fully and effectually as if the same were incorporated therewith: And whereas the Act so to be passed for settling and describing the boundaries of cities, towns, and boroughs, as in the said recited Act is mentioned, is this present Act: And whereas the several cities, towns, and boroughs, whereof the boundaries were so to be settled and described as in the said recited Act is mentioned, are the several cities, towns, and boroughs which are specified in the schedule to this Act annexed: Be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the several cities, towns, boroughs, and places specified in the schedule to this Act annexed shall, as to the election of members or a member to serve in Parliament, respectively include the places and be comprised within the boundaries which in such schedule are respectively specified and described in conjunction with the names of such cities, towns, boroughs, and places respectively.

Cities, &c. in Ireland shall, as to elections, include the places and be comprised within the boundaries specified in the schedule.

Rules of construction to be observed in interpreting schedule.

II. AND be it enacted, that, subject to any direction to the contrary, the following rules shall be observed in the construction of the several descriptions of boundaries contained in the said schedule hereto annexed; (that is to say,)

- 1.—That the words "northward," "southward," "eastward," "westward," shall respectively be understood to denote only the general direction in which any boundary proceeds from the point last described, and not that such boundary shall continue to proceed throughout in the same direction to the point next described:
- 2.—That when any road is mentioned merely by the name of the place to which such road leads, the principal road thither from the city, town, or borough of which the boundary is in course of description shall be understood:
- 3.—That whenever a line is said to be drawn from, to, or through an object, such line shall, in the absence of any direction to the contrary, be understood to be drawn from, to, or through the centre of such object, as nearly as the centre thereof can be ascertained:
- 4.—That every building through which or through any part whereof any boundary hereby established shall pass shall be considered as within such boundary:
- 5.—That whenever any boundary by this Act established is said to pass along any other boundary, or along any road, lane, path, river, stream, canal,

drain, brook, or ditch, the middle (as nearly as the same can be ascertained) of such other boundary, or of such road, lane, path, river, stream, canal, drain, brook, or ditch shall, in the absence of any direction to the contrary, be understood :

- 6.—That the middle of any road or lane shall be understood as the middle of the carriageway along the same :
- 7.—That when any boundary by this Act established is said to proceed along a road, lane, path, river, stream, canal, or drain, from or to any object, such boundary shall be understood to proceed from or to that point in the middle of such road, lane, path, river, stream, canal, or drain from which the shortest line would be drawn to the centre of such object, as nearly as the centre thereof can be ascertained :
- 8.—That the point at which any fence, hedge, wall, boundary, road, lane, path, river, stream, canal, drain, brook, or ditch is said to cut, meet, join, cross, reach, or leave any boundary, road, lane, path, wall, river, stream, canal, drain, brook, or ditch, shall, in the absence of any direction to the contrary, be understood as that point at which a line passing along the middle of the boundary, road, lane, path, wall, river, stream, canal, drain, brook, or ditch so cut, met, joined, crossed, reached, or left, would be intersected by a line drawn along the middle of the fence, hedge, wall, boundary, road, lane, path, river, stream, canal, drain, brook, or ditch so cutting, meeting, joining, crossing, reaching, or leaving, if such line were prolonged sufficiently far :
- 9.—That when a line is said to be drawn to a road, lane, river, stream, or canal, such line shall, in the absence of any direction to the contrary, be considered as prolonged to the middle of such road, lane, river, stream, or canal :
- 10.—That by the words “ sea ” and “ sea coast ” shall be understood the low-water mark :
- 11.—That if any deficiency shall be found to exist in the line of any boundary described in the said schedule to this Act annexed, by reason of the intervention of any space between any two immediately consecutive points, such deficiency shall be supplied by a straight line to be drawn from the one to the other of such two immediately consecutive points.

III. AND be it further enacted, that notwithstanding the generality of any description contained in the said schedule to this Act annexed, no city, town, or borough or place, the contents whereof are specified in such schedule, shall include any part of any parish, townland, manor, lordship, barony or half barony, or liberty, which is detached from the main body of such parish, townland, manor, lordship, or barony or half barony, or liberty, if by reason of including such detached part the boundary hereby established of such city, town, or borough or place would not be continuous, unless such detached part shall before the passing of this Act have formed part of such city, town, or borough or place, for the purpose of the election of a member or members to serve in Parliament ; but that all extra-parochial places which are surrounded by any parish, townland, manor, lordship, or liberty, of which any city, town, or borough or place is said in such schedule to consist, shall be considered as included within such city, town, or borough or place, for the election of a member or members to serve in Parliament ; and that all places locally situate or

Provision for detached portions of parishes, &c.

included within the boundaries of any city, town, or borough, as defined under this Act, shall for the purposes of this Act only be deemed and taken to be a part or parts of such city, town, and borough.

Misnomer, &c.  
not to abridge  
operation of  
Act.

Descriptions  
to be held  
to apply to  
subjects as  
they existed  
on 1st Jan.  
1832.

IV. PROVIDED always, and be it enacted, that no misnomer or inaccurate description contained in this Act, or in the schedule hereto annexed, shall in anywise prevent or abridge the operation of this Act with respect to the subject of such description, provided the same shall be so designated as to be commonly understood; and that for the purpose of identifying the descriptions contained in the said schedule with the subjects of such descriptions respectively, such descriptions shall, if such construction should be necessary, be held to apply to such subjects as they existed on the first day of January one thousand eight hundred and thirty-two.

\* \* \* \* \*

### SCHEDULE to which the foregoing Act refers.

#### 1.—ARMAGH.

ARMAGH.

From Mr. Carroll's windmill on the west of the city in a straight line in the direction of the spire of Grange church to the point at which such straight line cuts the new Dungannon road; thence in a straight line in the direction of the eastern dome of the observatory to the point at which such straight line cuts the boundary of the grounds attached to the observatory; thence, eastward, along the boundary of the grounds of the observatory to the point at which the same meets the road to the deanery; thence in a straight line to the magazine near the infantry barracks; thence in a straight line, through a point on the Rich Hill road which is distant 25 yards (measured along the Rich Hill road) to the east of the south-eastern corner of the infantry barracks, to a point which is one hundred and thirty yards beyond the said point on the Rich Hill road; thence in a straight line in the direction of the south-eastern angle of the palace to the point at which such straight line cuts the demesne wall; thence, northward, along the demesne wall to the point at which the same leaves the boundary of the corporation land; thence, northward, along the boundary of the corporation land to the point at which the same meets the Monaghan road; thence in a straight line to Mr. Carroll's windmill.

#### 2.—ATHLONE.

From the point at which the southern end of the canal joins the river Shannon, along the canal, to the point at which the northern end thereof joins the river Shannon; thence along the river Shannon to the point at which the same is met by the north-western inclosure wall of

## ATHLONE.

the barracks ; thence in a straight line to the angle in the Hare Island road at which the same turns northward, and at which there are two gateways with pillars opposite each other ; thence in a straight line to a gateway with pillars on the Ballymahon road, about twenty yards to the east of the glebe wall ; thence in a straight line to the north-eastern corner of the wall of the townland called Anchor's bower ; thence, southward, along the wall of Anchor's bower to the point at which the same meets the old Dublin road ; thence in a straight line in the direction of Mr. Dawson's house in Bunavally to the point at which such straight line cuts a small bye road which runs into the Dublin road ; thence along the said small bye road to the point at which the same joins the Dublin road ; thence in a straight line to the point at which the Brideswell Bog road is joined by a bye road leading thereto from the east, about three hundred yards from the point at which the Brideswell Bog road leaves the Dublin road ; thence in a straight line in the direction of the chimney of Mr. Robinson's distillery to the point at which such straight line cuts the river Shannon ; thence along the river Shannon to the point first described.

## 3.—BANDON.

## BANDON.

From the point at which the eastern road to Macroom leaves the old or northern road to Cork, in a straight line in a westerly direction, to the north-western corner of Mr. Swanson's garden ; thence along the wall of the said garden to the south-western corner thereof ; thence in a straight line across the river Bandon, and across the Enniskane road, to the point at which the old road to Clonakilty is joined by a bye road which runs thereto from the new road to Clonakilty ; thence along the said bye road to the point at which the same joins the new road to Clonakilty ; thence towards Bandon, along the new road to Clonakilty, to that point thereof which is nearest to the northern pillar of the gate of Mr. M'Creight's house ; thence in a straight line to the said northern pillar ; thence in a straight line across the centre Kilbritten road to the point at which the eastern Kilbritten road is joined by a small bye road running westward to the fields, about three hundred and thirty yards to the south of the point at which the eastern Kilbritten road leaves the Inneshannon road ; thence in a straight line to the southern corner, on the Ballinade road, of the premises of Mr. Ormond's distillery ; thence,



eastward, along the boundary of the premises of Mr. Ormond's distillery to the point at which the same meets the southernmost road to Innishannon; thence in a straight line across the river Bandon to the point at which the old Innishannon road is joined by a bye road which runs north-west in the direction of the Kilbrogan chapel; thence in a straight line to the northern pillar of a gateway on the old Cork road, about four hundred and thirty yards to the north of the point at which the same leaves the Innishannon road; thence in a straight line to the point first described.

#### 4.—BELFAST.

BELFAST.

From the point on the south-east of the town at which the Blackstaff river joins the river Lagan, up the Blackstaff river, to the point at which the same is joined by a small stream which washes the wall of Mr. Campbell's cotton works; thence up the said small stream to the point at which the same would be cut by a straight line to be drawn from the chimney of Mr. Campbell's cotton works to an old fort on the west of the town, in a field belonging to Mr. Elliot, near a brickfield on the left of the old lodge road; thence in a straight line to the said old fort; thence in a straight line to the south-western angle of the grave-yard which is to the west of the infantry barracks; thence along the southern wall of the said grave-yard to the point at which the same makes an angle; thence in a straight line to the south-western angle of the enclosure of the infantry barracks; thence along the western enclosure wall of the infantry barracks to the northern extremity thereof; thence along a ditch which is the boundary of the ordnance land to the point at which the same reaches the south-western angle of the enclosure of the artillery barracks; thence along the western enclosure wall of the artillery barracks, and along a ditch in continuation of the direction thereof, to the point at which such ditch meets a road which leads from the Ballynure road into the old Carrickfergus road; thence along the road so leading into the old Carrickfergus road to the point at which the same joins the old Carrickfergus road; thence, northward, along the old Carrickfergus road to the point at which the same meets the Mile water; thence down the Mile water to the point at which the same joins the river Lagan; thence along the river Lagan to the point first described; also beyond the Lagan, the town-land of Ballymacarrett.

## 5.—CARLOW.

CARLOW.

From the point below the town at which the river Barrow is met by the southern wall of the grounds of the house belonging to Mr. Carey, adjutant to the Carlow militia, eastward, along the said wall to the point at which the same meets the Kilkenny road; thence in a straight line to the southern corner of the infirmary; thence in a straight line to the point a little above the barracks at which the river Burren is joined by a small stream; thence up the said stream, and across the Tullow road, to the point at which the same stream is met by a hedge which runs down thereto from opposite the southern end of the plantation attached to the house on the Baltinglass road which belongs to Mr. Hunt and is occupied by Mr. Butler; thence along the said hedge to the point at which the same meets the Baltinglass road; thence in a straight line in the direction of the cupola of the lunatic asylum to the point at which such straight line cuts a road which runs between the Baltinglass road and the Dublin road; thence in a straight line to a gate on the eastern side of the Dublin road which is distant about one hundred yards to the north of the north-eastern corner of the enclosure wall of the lunatic asylum; thence in a straight line to the point at which the road to Athy is met by the north boundary of the demesne of the Roman Catholic bishop; thence along the said boundary till it meets the river at the point; thence along the river to the north corner of the wall of the burial ground; thence in a straight line to the spire of Graigue church; thence in a straight line to the summer house in Mr. Wilson's garden; thence in a straight line to the point first described.

## 6.—CARRICKFERGUS.

CARRICKFERGUS - The county of the town of Carrickfergus.

## 7.—CASHEL.

The whole of the district under the jurisdiction of the mayor; and in addition thereto,

The space which lies between the boundary of the said jurisdiction and a straight line to be drawn from the north-eastern corner of the enclosure wall of the charter school on the Dublin road, in a south-easterly direction, to the point at which the southernmost Killenaule road is met by a wall which runs thereto from the northernmost Fethard road; and which point is about one hundred and seventy-six yards north-west of the point at which the southernmost Killenaule road leaves the northernmost Fethard road.

CASHEL.

And also the space which lies between the boundary of the said jurisdiction and the following boundary ; (that is to say,) from the point on the west of the town at which the boundary of the old borough is met by a wall which runs therefrom, first westward and then northward, to the Golden road, westward, along the said wall to the point at which the same meets the Golden road ; thence, eastward, along the Golden road (for about twenty-two yards) to the point at which the same is met by a ditch and wall at the end of a porter's lodge ; thence along the said ditch and wall (which bend eastward) for about seventy yards ; thence along the continuation of the last-mentioned ditch, northward, for about one hundred yards ; thence along a garden wall continuing in the same direction, northward, for about one hundred and thirty yards, to the point at which the same meets a wall which runs westward therefrom ; thence, westward, along the last-mentioned wall (for about fifty-five yards) to the point at which the same meets a wall which bends round eastward to the Camas road ; thence along the last-mentioned wall to the point at which the same meets the Camas road ; thence along the road which leads from the Camas road into the Armel road to the point at which the same meets the boundary of the old borough.

## 8.—CLONMEL.

From the point at which the western enclosure wall of the House of Industry meets the river Suir, along the said western wall to the point at which the same meets Marl street ; thence along Saint Stephen's lane to the point at which the same meets the old Cahir road ; thence, eastward, along the old Cahir road to the point at which the same is met by a lane running northward ; thence, northward, along the said lane to the point at which the same is met by the first bank on the right ; thence, eastward, along the said bank to the point at which the same is met by a lane coming from the north and turning to the east ; thence, eastward, along the last-mentioned lane to the point at which the same meets Heywood street ; thence along a bank which runs eastward from a house a little to the south of the point last described to the point at which the said bank meets a small bye lane leading into the Cashel road ; thence along the said bye lane to the Cashel road ; thence, southward, along the said Cashel road to the point at which the same is met by the southern boundary wall of the park or pleasure grounds of Mr. David Malcolmson ; thence along the said boundary

CLONMEL.

wall to the point where the said wall meets Upper Johnson street ; thence, eastward, along Backbone lane to the extremity thereof ; thence to a point in the new road to Fethard, which point is sixty-four yards to the north of the spot at which the said road is crossed by Bonlie lane ; thence, southward, for sixty-four yards, to the said spot where the Fethard road is crossed by Bonlie lane ; thence, eastward, along Bonlie lane for about six hundred and forty-four yards, to a point at which the same is met by a bank on the right opposite a small house ; thence, southward, along the said bank for the distance of about two hundred and nine yards to the point where it is met by another bank running eastward ; thence, eastward, along the last-mentioned bank for about fifty yards to a point where the same makes an angle in turning to the south ; thence, southward, for about fifty yards along a bank which leads to a bye road to Powers Town until the said bank reaches the said bye road ; thence, eastward, along the said bye road for the distance of about two hundred and seventeen yards to the spot where it is met by the first bank on the right ; thence in a straight line to the most northern point of a bank on the southern side of the Dublin road, which point is distant about four hundred and sixty-four yards from a stone in Barrack street which marks the south-eastern corner of the ordnance land ; thence along the last-mentioned bank to the point at which the same meets the river Suir ; thence along the southernmost channel of the river Suir as far as Moore's Island ; thence along the channel of the same to the north of Moore's Island to the point first described.

## 9.—COLERAINE.

COLERAINE.

East of the river Bann.—The townland called “Coleraine and suburbs.”

West of the river Bann.—From the point at which the northern bank which bounds the plantation of Jackson hall meets the river Bann, westward, along the said bank to the end thereof ; thence along another bank which runs nearly in continuation of the before-mentioned bank to the point where the same meets the Ballycairn road ; thence in a straight line to the point where the Downhill road leaves the old road to New Town Limavady ; thence to the point where the three townlands of North Ballinteer, Church-land, and Lismurphy meet ; thence along the boundary between the townlands of Church-land and Lismurphy to the river Bann.

## 10.—CORK.

CORK. - The county of the city of Cork.

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## 11.—DOWNPATRICK.

DOWNPATRICK. - The demesne of Down.

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## 12.—DROGHEDA.

DROGHEDA. - The county of the city of Drogheda.

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## 13.—DUBLIN.

DUBLIN. { The county of the city of Dublin, and such parts of  
the county at large as lie within the Circular road.

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## 14.—DUNDALK.

DUNDALK.

From the point on the east of the town, about eight hundred yards from the enclosure wall of the cavalry barracks, at which a road which runs from the sea-shore through the marshes to Black Rock leaves the sea-shore, along such road to the point at which the same meets the boundary of the Lower Marsh townland; thence, westward, along the boundary of the Lower Marsh townland to the point at which the same reaches the bridge on the Dublin road; thence in a straight line for about one hundred yards in a south-westerly direction to the nearest point of the boundary of the Town parks; thence, westward, along the boundary of the Town parks to the point at which the same meets the boundary of lord Roden's demesne; thence, eastward, along the boundary of lord Roden's demesne to the point at which the same meets the boundary between the parishes of Dundalk and Castletown, excluding the whole of the demesne; thence, northward, along the boundary between the parishes of Dundalk and Castletown to the point at which the same meets the boundary of the Town parks at the river; thence, eastward, along the boundary of the Town parks to the bridge on the Newry road; thence along the southern shore of the bay of Dundalk to the point first described.

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## 15.—DUNGANNON.

From the point on the south of the town at which the boundary between the Drumcoo townland and the Bally-northland demesne meets the boundary of the parish of Drumglass, northward, along the boundary of the Drumcoo townland to the point at which the same meets, close

## DUNGANNON.

by the gate leading to Mr. Shiel's house in Killymeal, an old road which leads westward into the Store road; thence along such old road to the point at which the same joins the Store road; thence, northward, along the Store road to the point at which the same meets the Cookstown road; thence in a straight line to a point on the Gallows Hill road which is distant two hundred and twenty yards (measured along the Gallows Hill road) to the west of the point at which the same leaves the Donaghmore road; thence in a straight line in the direction of the tower of Derrygortreavy church to the point at which such straight line cuts the boundary of the parish of Drumglass; thence, southward, along the boundary of the parish of Drumglass to the point first described.

## 16.—DUNGARVAN.

The present borough or manor of Dungarvan, with the exception of such parts of the same as lie entirely detached from the rest; also, in addition to the present manor, all those portions of land, which, though not belonging to the same, are locally situate within it, or entirely surrounded by the lands of the manor.

## 17.—ENNIS.

## ENNIS.

From the Clareen bridge, in a straight line in a south-westerly direction, to the point at which the road round the hill from Inch bridge meets the road to the hermitage; thence along a bye road which runs southward from the point last described to the point (about two hundred and twenty yards from the point last described) at which such bye road is met by an orchard wall; thence in a straight line to the eastern pier of a gate on the Inch Bridge road which is the entrance to Mr. Crow's farm; thence in a straight line to the eastern pier of a gate on the Kilrush road about two hundred and thirty yards to the east of the point at which a road branches from the Kilrush road to join the Inch Bridge road; thence in a straight line in a south-easterly direction to the south-western corner of Mr. Healy's garden; thence along the southern wall of the same garden to the point at which the same meets the Clare road; thence, northward and eastward, along the Mail Coach road from Clare (for about three quarters of a mile) to the point at which the same is met by a wall on the northern side thereof near a well; thence in a straight line to the north-western corner of the wall which surrounds a distillery on the

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banks of the river Fergus, but not now in use; thence along the last-mentioned wall, including the distillery, to the point at which the same wall meets the river Fergus; thence in a straight line in a north-easterly direction to the point at which the Spancel hill or southern Gort road is joined by a cross road from the northern Gort road, and which point is distant about four hundred yards from the bridge over the river Fergus; thence along the last-mentioned cross road to the point at which the same joins the northern Gort road; thence along the same northern Gort road for twenty-five yards beyond the point last described; thence in a straight line in a north-westerly direction to the Windmill stump; thence in a straight line to the Clareen bridge.

#### 18.—ENNISKILLEN.

The island of Enniskillen, and also the spaces included between lough Erne and the two following boundaries, respectively denominated east and west.

**EAST.**—From the westernmost point of the townland of Toneystick in a straight line to the salient point of the north-western bastion of the East fort; thence in a straight line to the salient point of the north-eastern bastion of the same; thence in a straight line, in the direction of the south-western angle of the county infirmary, to the point at which such straight line cuts the boundary of the townland of Toneystick; thence, southward, along the boundary of the townland of Toneystick to the point at which the same meets lough Erne.

#### ENNISKILLEN.

**WEST.**—From the point at which the boundary between the townlands of Cole's hill and Windmill hill meets lough Erne, westward, along the said boundary to a point which is distant one hundred yards (measured along such boundary) beyond the point where that boundary crosses the Florence Court road; hence in a straight line to the salient angle of the south-western bastion of the West fort; thence in a straight line to the point at which the boundary between the townlands of Windmill hill and Portora meets the eastern bank of lough Galliagh; thence, northward, along the eastern bank of lough Galliagh to the point at which the same meets the Church Hill road; thence, towards the town, along the last-mentioned road to the lodge gate of Portora school; thence along a hedge which runs at the foot of the lawn of Portora school, northward, to lough Erne, to the point at which the same meets lough Erne.

## 19.—GALWAY.

GALWAY. - The county of the town of Galway.

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## 20.—KILKENNY.

KILKENNY. - The county of the city of Kilkenny.

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## 21.—KINSALE.

KINSALE.

From the point on the north-east of the town at which the new Cork road crosses the old Cork road, in a straight line to the northern extremity of Mr. Hurley's stables; thence in a straight line to the point at which the road to Bandon river leaves the road to Bandon; thence in a straight line to the point at which the Blind-gate road meets the Compass Hill road; thence in a straight line over Compass hill to the westernmost house at the place called "The World's End"; thence along the coast to the point at which the same is met by the first bank which runs up the hill to the east of and beyond the village of Scilly; thence along the said bank to the point at which the same meets the road from Scilly to Charles fort; thence in a straight line to a point on the Harbour Hill road which is distant one hundred and eighty yards (measured along the Harbour Hill road) to the east of the barrack wall; thence in a straight line to the point first described.

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## 22.—LIMERICK.

LIMERICK. - The county of the city of Limerick.

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## 23.—LISBURN.

LISBURN.

The several townlands of Lisnagarvy, Tonagh, and Old Warren, in the parish of Blaris; also that portion of the townland of Lambeg that lies to the west of the river Lagan, and is bounded as follows; namely, on the south and west by the townland of Lisnagary, on the north between the Belsize road and the old Belfast road by a small stream which is the boundary of the townland of Maghreleave, and on the east by the old Belfast road from the point where the same crosses the above-mentioned small stream to the point where it is met by the lower road near Lambeg glebe; thence along the said lower road to the point where the same is met by "Wheelers ditch;" thence along Wheelers ditch to the river Lagan.

Also the space contained between the river Lagan and the following boundary; (that is to say)



From the bridge along the Drumbo road for about five hundred yards to the point at which the same is met by another road coming out of the suburb; thence, eastward, along a ditch, on the north side of which fir trees are planted for about two hundred and sixty yards, to the point at which the said ditch meets a lane running to the river; thence along that lane to the river.

Also the small island on the river Lagan in which are situated the vitrol works.

Also that portion of the townland of Knockmore which has hitherto formed a part of the borough.

#### 24.—LONDONDERRY.

From the point on the south-west of the city at which Mary Blue's burn joins the river Foyle, up Mary Blue's burn to the point at which the same crosses Stanley's walk; thence, westward, along Stanley's walk to the point at which the same meets a road which runs nearly parallel to Mary Blue's burn; thence, northward, along the last-mentioned road to the point at which the same reaches the entrance gate to the bishop's demesne and deer park; thence, westward, along the road which proceeds from the said entrance gate to the point at which the same turns south-westward; thence, northward, along a small stream for about seventy yards to the point at which the same meets a bank which skirts the south-eastern bank of a circular plantation, and runs up to the Creggan and Burt road; thence along the bank so running to the Creggan and Burt road to the point at which the same meets the Creggan and Burt road; thence along a ditch which runs from the northern side of the Creggan and Burt road, and nearly opposite to the point last described, to the point at which the same meets a small stream; thence in a straight line to the north-western corner of the enclosure wall of the lunatic asylum; thence along the northern enclosure wall of the lunatic asylum, and in a line in continuation thereof, to the point at which such line cuts the river Foyle; thence, southward, along the river Foyle to the point at which the same is met, on the eastern side, by a ditch or bank which forms the southern boundary of the pleasure grounds of Mr. William Bond; thence along the last-mentioned ditch or bank to the point at which the same meets the Newton Limavady road: thence, southward, along the Newton Limavady road for about ninety yards to the point where the said road joins the old Strabane road; thence along the old Strabane road for about three hundred and ninety yards to the point where the same

LONDONDERRY.

is met by a narrow road running therefrom to the tank ; thence, westward, along the last-mentioned narrow road for about thirty yards to the spot where the same is met by a bank, now planted with bushes, running southward ; thence along the last-mentioned bank to the spot where the same is met by a lane running from Waterside up a steep hill to the old Strabane road ; thence to the nearest point of a small stream which is the boundary between the townlands of Clooney and Gobnascale ; thence down the said stream for about seventy yards to the point where the same is met by a lane running south-westward to the fields ; thence along the last-mentioned lane to the point where it cuts the boundary between the townlands of Gobnascale and Tamneymore ; thence, westward, along the boundary between the townlands of Gobnascale and Tamneymore to the point at which the same meets the river Foyle ; thence, southward, along the river Foyle to the point first described.

#### 25.—MALLOW.

#### MALLOW.

From the easternmost gate post (opposite the park wall of Mr. Purcell) of a field on the Kanturk road, the entrance to which is distant about one hundred and seventy-six yards (measured along the Kanturk road) from the Seneschal's house, in a straight line to the gate post nearest the turnpike in a wall on the southern side of the old road which runs a little to the north of the Limerick road, and which post is distant about two hundred and forty-two yards (measured along the said old road) to the north-west of the turnpike ; thence in a straight line to the point at which a bye lane joins the Fair-lane road, about one hundred and fifty yards to the north of the entrance to the lime and salt works ; thence in a straight line to the point at which the Carrigoon road, which passes under Mr. Jephson's park wall, is met by a fence which divides a field occupied by Mr. Lynch from a field occupied by Mr. Carmichael, and which point is also about three hundred and seventy-five yards to the north of a small door in the park wall ; thence in a straight line across the park to the westernmost point at which the boundary of Mr. Delacour's pleasure grounds meets the Fermoy road ; thence, westward, along the boundary of Mr. Delacour's pleasure grounds to the southernmost point at which the same meets the boundary of the garden attached to the water mill ; thence in a straight line to a point on the old Cork road which is distant two hundred and twenty-five yards (measured along the old Cork road) to the south of the old turnpike

thereon; thence in a straight line to a point on the new Cork road which is distant about two hundred and ninety yards (measured along the new Cork road) to the south of the said old turnpike, and which point is at the commencement of a nursery ground; thence in a straight line in the direction of the eastern corner of Captain Davis's house to the point at which such straight line cuts the Blackwater river; thence in a straight line to the gate post first described.

## 26.—NEWRY.

NEWRY.

- The present borough of Newry.

## 27.—PORTARLINGTON.

PORTARLINGTON.

From the bridge over the Grand canal on the Monastereven road, along the canal to the bridge over the same on the Maryborough road; thence in a straight line to the point called Butler's ford, at which a small stream crosses the Mountmellick road; thence, in a straight line to a small bridge on the Cloniquin road, which is distant about five hundred yards (measured along the Cloniquin road) to the west of the point at which the same leaves the Mountmellick road; thence in a straight line to a point on the Bog road which is distant five hundred yards (measured along the Bog road) to the west of the point at which the same leaves the Rathangan road; thence, eastward, along the Bog road to the point at which the same joins the Rathangan road; thence, southward, along the Rathangan road to the bridge on the same over the river Barrow; thence along the river Barrow to that point thereof which would be cut by a straight line to be drawn thereto due north from the bridge over the canal on the Monastereven road; thence in a straight line to the said bridge on the Monastereven road.

## 28.—NEW ROSS.

From the point on the south of the town at which the Lower Ballyhack road is met by the southern fence of the garden of Belle Vue cottage along such southern fence to the eastern extremity thereof; thence in a straight line up a steep hill to the point at which the Middle Ballyhack road is joined by a bye road which runs eastward therefrom, and at which point there is a gateway and one pillar; thence along the said bye road to the point at which the same turns to the south, and which is marked by a gateway and two pillars; thence

NEW ROSS.

in a straight line in an easterly direction to the southern end of the barn which stands in a straw yard on the eastern side of the Upper Ballyhack road; thence, northward, along the Upper Ballyhack road to the point at which the same meets the Wexford road; thence, eastward, along the Wexford road to the point at which the same is joined by a road from Irish town; thence in a straight line to the south-western corner of the burial ground at the eastern extremity of Irish town; thence along the western boundary of the said burial ground to the point at which the same meets the Irish Town road; thence, westward, along the Irish Town road to the point at which the same is met by a lane which runs northward therefrom on the eastern side of Mr. Sutton's house and brewery; thence, northward, along the said lane for about one hundred and thirty yards to the point at which the same reaches a stone stile; thence in a straight line to a gateway on the Mountgarret road which is the first on the eastern side thereof, to the north of the point at which the same is joined by a road from Irish town; thence in a straight line in a north-westerly direction to the ruins of a quay or wharf on the western side of the river Barrow; thence in a straight line to the point at which the Kilkenny road is joined by the first bye road to the west of the Roman Catholic chapel; thence in a straight line in a southerly direction to the south-western corner of the garden of the house attached to the mill on the western bank of the river Barrow; thence along the southern boundary of the last-mentioned garden to the south-eastern corner thereof; thence in a straight line to the point first described.

## 29.—SLIGO.

Such part or parts of the town or precincts of the town of Sligo as lie or are situate within the distance of one mile, Irish admeasurement, of a certain spot in Market street in said town on which a building or erection formerly stood, called the Market Cross, being the space defined in the seventeenth section of an Act passed in the forty-third year of the reign of his Majesty King George the Third, intituled "An Act for repealing so much of an Act made in the third year of the reign of King George the Second, intituled 'An Act for cleansing the ports, harbours, and rivers of the city of Cork, and of the towns of Galway, Sligo, Drogheda, and Belfast, and for erecting a ballast office in the said city and each of the said towns,' as relates to the port and harbour of the town of Sligo; and for repealing

SLIGO.

“ an Act made in the fortieth year of the reign of his  
 “ present Majesty, intituled ‘ An Act for paving, cleansing,  
 “ ‘ lighting, and improving the streets, quays, lanes, and  
 “ ‘ passages in the town of Sligo in the county of Sligo,  
 “ ‘ for establishing a nightly watch in the said town, for  
 “ ‘ supplying the said town with pipe water, and for  
 “ ‘ improving and regulating the port and harbour  
 “ ‘ thereof,’ and for making better provision for the  
 “ paving, lighting, watching, cleansing, and improving  
 “ of the said town of Sligo, and for regulating the porters  
 “ and carmen employed therein, and for the better re-  
 “ gulation and improvement of the port and harbour  
 “ thereof,” as the part or parts of the precincts of the  
 town of Sligo which shall be or be deemed to be within  
 the intent and purview of the said Act of the forty-third  
 year of the reign of King George the Third, for the  
 several purposes in the said seventeenth section specified.

## 30.—TRALEE.

TRALEE.

From the milestone on the Killarney road opposite a  
 lane which runs eastward therefrom, in a straight line to  
 the south-eastern angle of the garden wall of a house  
 which is situate at the south-western corner of the  
 barrack wall; thence, westward, along the said garden  
 wall to the point at which the same meets another wall  
 which runs westward to the end of Mr. Benners brewery;  
 thence, westward, along the last-mentioned wall to the  
 brewery; thence along the southern side of the brewery  
 to the mill race which is beyond it; thence, northward,  
 along the mill race to the point at which the same meets  
 the road which leads from the brewery to Miltown;  
 thence, westward, along the last-mentioned road to the  
 point at which the same meets the Ballymullen river;  
 thence, northward, along the Ballymullen river to the  
 point at which the same meets the Miltown road; thence  
 in a straight line to a point on the Blennerville road  
 which is distant four hundred and forty yards (measured  
 along the Blennerville road) to the north of the point at  
 which the Spa road leaves the same; thence in a straight  
 line to a point on the Spa road which is distant three  
 hundred and seventy-five yards (measured along the Spa  
 road) to the north of the point at which the same leaves  
 the Blennerville road; thence in a straight line to the  
 northernmost point at which the new Listowell road is  
 met by a small stream which runs alongside thereof from  
 a pond towards the town; thence in a straight line to  
 the point at which the old Listowell road is joined by  
 the road which leads to Mr. Batemans demesne; thence

along the old Listowell road to the bridge on the same over the canal; thence in a straight line to the milestone first described.

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### 31.—WATERFORD.

WATERFORD. - The county of the town of Waterford.

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### 32.—WEXFORD.

WEXFORD.

From the point on the south-east of the town at which the sea-shore is met by a wall and footpath which run a few yards to the north of the burial ground which is near the country house belonging to Mr. Talbot, along the said wall to the point at which the same meets the Fayeth road; thence in a straight line to the flagstaff at the Signal station; thence in a straight line in the direction of the eastern corner of Cromwell's Fort house to the point at which such straight line cuts the wall of the pleasure grounds of Cromwell's Fort house; thence, northward, along the wall of the said pleasure grounds to the Duncormick road; thence, westward, still along the wall of the said pleasure grounds to the westernmost point at which the same leaves the Duncormick road, thus excluding the whole of the said pleasure grounds; thence in a straight line in the direction of the south-western corner of the distillery to the point at which such straight line cuts the road which runs in front of the distillery; thence along the last-mentioned road to the point at which the same crosses the Johnstown road near the bridge over the Bishop's water; thence in a straight line to the point close to the Female Orphan house, at which the northern Duncannon road is met by a road which leads therefrom into the New Ross road; thence along the road so leading into the New Ross road to the ruins of the southernmost of two old windmills; thence in a straight line to a point on the New Ross road which is distant one hundred and sixty yards (measured along the New Ross road) to the north-west of the Obelisk; thence in a straight line to the northernmost point at which the boundary of the premises of Mr. Scallen, a brewer, meets the Enniscorthy road; thence, westward, along the Enniscorthy road to an iron gate in a stone wall distant about three hundred and sixty yards from the centre of the Diocesan school; thence along the road or path which leads from the said iron gate to the point at which the same meets the sea-shore; thence along the sea-shore to the point first described.

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## 33.—YOUGHALL.

YOUGHALL.

From the point to the south of the town where the new road to Cork quits the sea-shore, northward, in a straight line to the point in Windmill lane where the same is joined by a bye road from the north, about two hundred yards to the west of the house occupied by Mister Flynn; thence in a straight line to the south-western angle of the Ordnance ground on which the barracks stand, near the old Cork road; thence along the western fence of the Ordnance ground to the north-western angle of the same; thence, northward, in a straight line to the spot where the upper edge of the great quarry near Counsellor Feuge's house is cut by a road which runs through the same to the Mount Uniacke road; thence along the road so running through the quarry to the point where the same meets the Mount Uniacke road; thence, northward, in a straight line to the point where a bye road which leads from the Mount Uniacke road to the Waterford road makes a turn almost at right angles a little to the south of the house called Eustace's Folly; thence, northward, along the same road, passing to the west of Eustace's Folly, to the spot where the same road meets the Waterford road; thence in a straight line to the nearest point of the sea-shore; thence along the sea-shore to the point first described.

## CHAPTER XCII.

AN ACT for transferring the Powers of the High Court of Delegates, both in Ecclesiastical and Maritime Causes, to His Majesty in Council.

[7th August 1832.]

**W**HEREAS by an Act passed in the twenty-fifth year of the reign of King Henry the Eighth, and intituled "The submission of the clergy and restraint of appeals," it is (amongst other things) provided, that for lack of justice at or in any of the courts of the archbishops of this realm, or in any of the King's dominions, it should be lawful to the parties grieved to appeal to the King's Majesty in the King's Court of Chancery; and that upon every such appeal a commission should be directed under the great seal to such persons as should be named by the King's Highness, his heirs or successors, like as in case of appeal from the Admirals Court, to hear and definitively determine such appeals, and the causes concerning the same; which commissioners so by the King's Highness, his heirs or successors, to be named or appointed, should have full power and authority to hear and definitively determine every such appeal, with the causes and all circumstances concerning the same; and that such judgment and sentence as the said commissioners should make and decree in and upon any such appeal should be good and effectual, and also definitive, and that no further appeals should be had or made from the said commissioners for the same; and that all manner of provocations and

25 Hen. 8.  
c. 19. s. 4.

Sect. 6.

appeals thereafter to be had, made, or taken, from the jurisdiction of any abbots, priors, or other heads and governors of monasteries, abbeys, priories, and other houses and places exempt, in such cases as they were wont or might afore the making of the Act now in recital, by reason of grants or liberties of such places exempt, to have or make immediately any appeal or provocation to the Bishop of Rome otherwise called Pope, or to the see of Rome, in all those cases every person and persons having cause of appeal or provocation should and might take and make their appeals and provocations immediately to the King's Majesty of this realm, into the Court of Chancery, in the manner and form as they used afore to do to the see of Rome; which appeals and provocations so made should be definitively determined by authority of the King's commission in such manner and form as was in the said Act now in recital above mentioned, so that no archbishop or bishop of this realm should intermit or meddle with any such appeals otherwise or in any other manner than they might have done afore the making of the Act now in recital; any thing in the Act now in recital to the contrary thereof notwithstanding: And whereas by an Act passed in the eighth year of the reign of Queen Elizabeth, and intituled "For the avoiding of tedious suits in civil and marine causes," <sup>8 Eliz. c. 5.</sup> it is provided that every such judgment and sentence definitive as should be given and pronounced in any civil and marine cause, upon appeal lawfully to be made therein to the Queen's Majesty in her Highness' Court of Chancery, by such commissioners or delegates as should be nominated and appointed by her Majesty, her heirs or successors, by commission under the half seal, as it had been theretofore used in such cases, should be final, and that no further appeal should be made from the said judgment or sentence definitive, or from the said commissioners or delegates, for or in the same; any law, usage, or custom to the contrary notwithstanding: And whereas the persons who from time to time have been appointed commissioners by commission under the great seal or under the half seal, by virtue of the authority of either of the herein-before recited Acts, have been commonly called "The High Court of Delegates": And whereas, notwithstanding the herein-before recited Acts, the King's Majesty for the time being hath out of his royal favour occasionally granted, upon petition to him in council made for that purpose, a commission under the great seal authorizing the commissioners therein named to review the judgments and decrees of the High Court of Delegates so appointed as aforesaid: And whereas it is expedient that the herein-before recited Act of the eighth year of Queen Elizabeth, and also so much of the herein-before recited Act of the twenty-fifth year of King Henry the Eighth as relates to the appeal to his Majesty in Chancery, should be repealed, and that all the powers which by virtue of either of the said Acts have or might have been enjoyed by the said High Court of Delegates should be in future exercised by his Majesty in council, and that no such commission of review as aforesaid should hereafter be granted: . . . . .

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III. AND be it further enacted, that from and after the said first day of February one thousand eight hundred and thirty-three it shall be lawful to and for every person who might heretofore, by virtue of either of the said recited Acts, have appealed or made suit to his Majesty in his High Court of Chancery, to appeal or make suit to the King's Majesty, his heirs or successors,

From 1 Feb. 1833 powers of the High Court of Delegates transferred to the King in council.



in council, within such time, in such manner, and subject to such rules, orders, and regulations for the due and more convenient proceeding, as shall seem meet and necessary, and upon such security, if any, as his Majesty, his heirs and successors, shall from time to time by order in council direct; and that the King's Majesty, his heirs and successors, in council, shall thereupon have power to proceed to hear and determine every appeal and suit so to be made by virtue of this Act, and to make all such judgments, orders, and decrees in the matter of such appeal or suit as might heretofore have been made by his Majesty's commissioners appointed by virtue of either of the herein-before recited Acts if this Act had not been passed; and that every such judgment, order, and decree so to be made by the King's Majesty, his heirs and successors, shall have such and the like force and effect in all respects whatsoever as the same respectively would have had if made and pronounced by the aforesaid High Court of Delegates; and that every such judgment, order, and decree shall be final and definitive, and that no commission shall hereafter be granted or authorized to review any judgment or decree to be made by virtue of this Act.

Judgments of King in council to be final, and no commission of review thereof to be granted.

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### CHAPTER XCIII.

AN ACT for enforcing the Process upon Contempts in the Courts Ecclesiastical of England and Ireland.]\* [7th August 1832.]

WHEREAS great inconvenience has been found to arise by reason of the process of the several ecclesiastical courts in England and Ireland being inoperative and unavailable out of the limits of the respective jurisdictions of such courts, and against persons having privilege of peerage, lords of Parliament, and members of the House of Commons; and in many instances a failure of justice hath thereby ensued: And whereas it is expedient, for remedy thereof, that the process of the said several courts, and the means of enforcing obedience to the same, should be of equal force and have the like operation, as well in that part of the United Kingdom of Great Britain and Ireland called England as in that part of the same United Kingdom called Ireland, and as well against persons having privilege of peerage, lords of Parliament, and members of the House of Commons, as against all other his Majesty's subjects: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all causes which according to the laws of this realm are or may be cognizable in any of the several ecclesiastical courts, as well in that part of the United Kingdom of Great Britain and Ireland called England as in that part of the same United Kingdom called Ireland, when any person or persons, as well those which have or hereafter shall have privilege of peerage, or are or hereafter may be peers of Parliament or members of the House of Commons, as all others who shall happen to be domiciled or residing either in England or in Ireland, and beyond the limits of the jurisdiction of

Where persons residing beyond the jurisdiction of any ecclesiastical court are cited to appear, &c. and refuse obedience, or commit contempts, the judge thereof

\* Rep., so far as relates to causes cognizable in any ecclesiastical court in Ireland, Stat. Law Rev. Act, 1874.]

the court in which such causes have been or shall have been respectively instituted or commenced, or shall be depending, having been duly cited to appear in any such ecclesiastical court, whether in England or in Ireland, or required to comply with any lawful order or decree, as well final as interlocutory, which hath been or shall have been made by any such court respectively, shall neglect or refuse to pay obedience to any such lawful order or decree, or when any such person or persons shall commit a contempt in the face of such court, or any other contempt towards such court, or the process thereof, it shall be lawful for the judge or judges out of whose court the citation or process hath already issued or may hereafter issue, or whose lawful orders or decrees have not or shall not have been obeyed, or before whom such contempt in the face of the court shall be committed, or by whose order or authority such process in respect of or towards which any such contempt shall have been committed has been or shall be awarded or issued, or the successor or successors in office of such judge or judges respectively, to pronounce such person or persons contumacious and in contempt, and within ten days after such person or persons shall have been so pronounced to be contumacious and in contempt to signify the same to the lord chancellor, lord keeper or lords commissioners for the custody of the great seal of England for the time being respectively, whenever the person or persons who shall have been so pronounced contumacious and in contempt shall be domiciled or residing in England, and within the like period of ten days to signify the same to the lord chancellor, lord keeper or lords commissioners for the custody of the great seal of Ireland for the time being respectively, whenever the person or persons who shall have been so pronounced contumacious and in contempt shall be domiciled or residing in Ireland, in the form annexed to an Act of Parliament made and passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled "An Act for the better regulation of ecclesiastical courts in England, " and for the more easy recovery of church rates and tithes"; and thereupon, and in case the person so reputed to be in contempt shall not be a peer, lord of Parliament, or member of the House of Commons, a writ de contumace capiendo shall issue from his Majesty's said High Court of Chancery in England or in Ireland, as the case may happen, to be directed to the same persons to whom writs de excommunicato capiendo were by law returnable before the passing of the said Act of Parliament, and the same shall be returnable in like manner as the writ de excommunicato capiendo had been theretofore by law returnable, and shall have the same force and effect as the last-mentioned writ; and all rules and regulations not altered by the said Act of the fifty-third year of his said Majesty George the Third, and which before the passing the same Act applied to the said writ de excommunicato capiendo, and the proceedings following thereupon, and particularly the several provisions contained in a certain Act passed in the fifth year of the reign of Queen Elizabeth, intituled "An Act for the due execution of the " writ de excommunicato capiendo," shall extend and be applied to the said writ de contumace capiendo, and the proceedings following thereupon, as if the same were herein particularly repeated and enacted; and the proper officers of the said two several High Courts of Chancery in England and Ireland, as the case may happen to be, are hereby authorized and required to issue such writ de contumace capiendo accordingly; and all sheriffs,

may pronounce them contumacious, and certify the same to the lord chancellor, &c. within ten days, in the form prescribed by 53 Geo. 3. c. 127.; and thereupon, unless the person be a peer, &c., a writ de contumace capiendo shall issue returnable as a writ de excommunicato.

All regulations and provisions applying to the writ de excommunicato, and proceedings thereupon, especially the provisions of 5 Eliz. c. 23., shall be applied to the writ de contumace.

Upon the appearance or submission of the party, the judge may order him to be absolved or discharged.

gaolers, and other officers in England and in Ireland, as the case may happen to be, are hereby required and authorized to execute the same, by taking and detaining the body of the person or persons against whom the said writ shall be so directed to be executed; and upon the due appearance of the party or parties so cited and not having obeyed as aforesaid, or the due submission of the party or parties so having committed a contempt in the face of the court, or otherwise, as herein-before is mentioned, the judge or judges of such ecclesiastical court, whether in England or in Ireland, as the case may be, shall pronounce such party or parties absolved from the contumacy and contempt aforesaid, and shall forthwith make an order upon the sheriff, gaoler, or other officer in whose custody he, she, or they shall be, in the form to the said Act of the fifty-third year of the reign of his said Majesty George the Third annexed, for discharging such party or parties out of custody; and such sheriff, gaoler, and other officer shall, on the said order being shown to him, so soon as such party or parties shall have discharged the costs lawfully incurred by reason of such custody and contempt, forthwith discharge him, her, or them.

Where persons possessed of estates, &c. in England neglect to pay money ordered by the said courts, or where peers, &c. refuse obedience to decrees, the judges may pronounce them contumacious, and certify the same to the lord chancellor, &c. of Great Britain if they reside or have estates in England, and the lord chancellor, &c. shall cause process of sequestration to issue against their estates as if the cause had originally been instituted in Chancery.

II. AND be it further enacted, that in all such cases as are herein-before mentioned, and which are or may be cognizable in any or either of the several herein-before mentioned courts, when any person or persons, as well such person or persons as have or shall hereafter have privilege of peerage, or are or shall hereafter be lords of Parliament or members of the House of Commons, as others who shall happen to be domiciled or residing either in England or in Ireland, have been or shall have been ordered or required, by the lawful order or decree, final or interlocutory, of any such court respectively, to pay any sum or sums of money, and when any such person or persons, after having been duly monished, shall refuse or neglect to comply with such monition, and to pay the sum or sums of money therein ordered to be paid by him or them, within the time and in the manner in any such order or decree mentioned or expressed, or a peer or lord of Parliament or member of the House of Commons shall refuse or withhold obedience, or shall in any way neglect to perform or shall not perform any decree or order, final or interlocutory, of such courts as aforesaid, it shall be lawful for the judge or judges who shall have made such order or decree, or his or their successor or successors in office, to pronounce the person or persons so neglecting or refusing to comply with such order or decree contumacious and in contempt, and within ten days after such person or persons shall have been so pronounced contumacious and in contempt to cause a copy of such order or decree, under the seal of the court wherein the same shall have been made, or under the hand or hands of such judge or judges, or one of them, to be exemplified, and certified to the lord chancellor, lord keeper or lords commissioners for the custody of the great seal of England for the time being respectively, whenever the person or persons who shall have been so pronounced contumacious shall be domiciled or residing, or shall be seised or possessed of or entitled to any real or personal estate, goods, chattels, or effects, situate, lying, or being in England; and the said lord chancellor, lord keeper or lords commissioners for the custody of the great seal of England, shall forthwith cause such copy of such order or decree, when it shall be presented to them respectively, so exemplified, to be enrolled in the rolls of the High

Court of Chancery in England, and shall thereupon cause process of sequestration to issue against the real and personal estate, goods, chattels, and effects, in England, of the party or parties against whom such order or decree shall have been made, in order to enforce obedience to and performance of the same, in the same manner and form, and with the like power and effect, as if the cause wherein such order or decree shall have been made had been originally cognizable by and instituted in the said Court of Chancery in England, and as if all and every the process of the said Court of Chancery in England ordinarily issuing in causes there pending antecedent to process of sequestration had been duly issued and returned in the last-mentioned court; and it shall and may be lawful for the said lord chancellor, lord keeper or lords commissioners of the great seal in England, to make such order and orders in respect of or consequent upon such sequestration, or in respect of the real or personal estate, goods, chattels, or effects sequestered by virtue thereof, as he or they shall from time to time think fit, or for payment of all or any of the moneys levied or received by virtue thereof into the Bank of England, with the privity of the accountant general of the said Court of Chancery in England, to the credit and for the benefit of the party or parties who shall have obtained such order or decree, if the same was for payment of money, or if not, to the credit of the High Court of Chancery; and the governor and company of the Bank of England are hereby authorized and required to receive and hold all such monies, subject to the orders of the said Court of Chancery: Provided always, that no such monies shall be charged with or subject to poundage when the same shall be paid out by order of the said court.

III. AND be it further enacted, that in all such causes as are herein-before mentioned, and which are or may be cognizable in any or either of the several herein-before mentioned courts, when any person or persons, as well such person or persons as have or shall hereafter have privilege of peerage, or are or shall hereafter be lords of Parliament or members of the House of Commons, as others, who shall happen to be domiciled or residing either in England or in Ireland, hath or have been or shall have been ordered or required by the lawful order or decree, final or interlocutory, of any such court respectively, to pay any sum or sums of money, or to do any other act or thing, and when any such person or persons, after having been duly personally served with a copy or copies of such order or decree, shall refuse or neglect to comply therewith, or to pay the sum or sums of money therein ordered to be paid by him or them, or to do the act or thing required by such order to be done, within the time and in the manner in any such order or decree mentioned or expressed, it shall be lawful for the judge or judges who shall have made such order or decree, or his or their successor or successors in office, to pronounce the person or persons so neglecting or refusing to comply with such order or decree contumacious and in contempt, and within ten days after such person or persons shall have been so pronounced contumacious and in contempt to cause a copy of such order or decree, under the seal of the court wherein the same shall have been made, or under the hand or hands of such judge or judges, or one of them, to be exemplified, and certified to the lord chancellor, lord keeper or lords commissioners for the

The like provision as to persons residing or possessed of estates, &c. in Ireland.

custody of the great seal of Ireland for the time being respectively, whenever the person or persons who shall have been so pronounced contumacious and in contempt shall be domiciled or residing, or shall be seised or possessed of or entitled to any real or personal estate, goods, chattels, or effects, situate, lying, or being in Ireland, and within the like period of ten days and after such last-mentioned person or persons shall have been pronounced contumacious and in contempt to cause a copy of such order or decree to be exemplified, and certified in manner herein-before mentioned to the barons of his Majesty's Court of Exchequer in that part of the United Kingdom called Ireland, whenever the person or persons who shall have been so pronounced contumacious and in contempt shall be domiciled or residing, or shall be seised or possessed of or entitled to any real or personal estate, goods, chattels, or effects, situate, lying, or being in Ireland; and the said lord chancellor, lord keeper or lords commissioners for the custody of the great seal of Ireland, shall forthwith cause such copy of such order or decree, when it shall be presented to them respectively, so exemplified, to be inrolled in the rolls of the High Court of Chancery in Ireland, and shall thereupon cause process of sequestration to issue against the real and personal estate, goods, chattels, and effects, in Ireland, of the party or parties against whom such order or decree shall have been made, in order to enforce obedience to and performance of the same, in the same manner and form, and with the like power and effect, as if the cause wherein such order or decree shall have been made had been originally cognizable by and instituted in the said Court of Chancery in Ireland, and as if all and every the process of the said Court of Chancery in Ireland ordinarily issuing in causes there pending antecedent to process of sequestration had been duly issued and returned in the last-mentioned court; and it shall and may be lawful for the said lord chancellor, lord keeper or lords commissioners of the great seal in Ireland, to make such order or orders in respect of or consequent upon such sequestration, or in respect of the real or personal estate, goods, chattels, or effects sequestered by virtue thereof, as he or they shall from time to time think fit, or for payment of all or any of the monies levied or received by virtue thereof into the Bank of Ireland, with the privity of the accountant general of the said Court of Chancery in Ireland, to the credit and for the benefit of the party or parties who shall have obtained such order or decree, if the same was for the payment of money, or if not, then to the credit of the said High Court of Chancery; and the governor and company of the said Bank of Ireland are hereby authorized and required to receive and hold all such monies, subject to the orders of the said Court of Chancery in Ireland: Provided always, that no such monies shall be charged with or subject to poundage for the usher of the said Court of Chancery in Ireland, or otherwise, when the same shall be paid out by order of the last-mentioned court.

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Limitation of  
actions.

V. AND be it further enacted, that if any action or suit shall be brought or commenced for any thing done in pursuance of this Act, every such action or suit shall be commenced within three calendar months next after the fact committed, and not afterwards, and shall be laid and tried in the city or county wherein the cause of action shall have arisen, and not elsewhere; and

General issue.

the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance or by the authority of this Act; and if the same shall appear to have been so done, or if any action or suit shall be brought after the time limited for bringing the same, or shall be laid in any other city, county, or place than as aforesaid, then the judge shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or suffer a discontinuance of their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in any other case by law. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Treble costs.

## CHAPTER XCVIII.

AN ACT for regulating the protesting for Nonpayment of Bills of Exchange drawn payable at a Place not being the Place of the Residence of the Drawee or Drawees of the same. [9th August 1832.]

**W**HEREAS doubts have arisen as to the place in which it is requisite to protest for nonpayment bills of exchange, which on the presentment for acceptance to the drawee or drawees shall not have been accepted, such bills of exchange being made payable at a place other than the place mentioned therein to be the residence of the drawee or drawees thereof, and it is expedient to remove such doubts: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all bills of exchange wherein the drawer or drawers thereof shall have expressed that such bills of exchange are to be payable in any place other than the place by him or them therein mentioned to be the residence of the drawee or drawees thereof, and which shall not on the presentment for acceptance thereof be accepted, shall or may be, without further presentment to the drawee or drawees, protested for nonpayment in the place in which such bills of exchange shall have been by the drawer or drawers expressed to be payable, unless the amount owing upon such bills of exchange shall have been paid to the holder or holders thereof on the day on which such bills of exchange would have become payable had the same been duly accepted.

Bills of exchange expressed to be paid in any place other than the residence of the drawee, if not accepted on presentment, may without further presentment be protested in that place, unless the amount be paid to the holder.

## CHAPTER C.

AN ACT for shortening the Time required in Claims of Modus decimandi, or Exemption from or Discharge of Tithes. [9th August 1832.]

**W**HEREAS the expence and inconvenience of suits instituted for the recovery of tithes may and ought to be prevented, by shortening the time required for the valid establishment of claims of a modus decimandi, or exemption from or discharge of tithes: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the

What prescriptions and claims of modus decimandi or of exemption from or discharge of tithes, by composition or otherwise, shall be valid in law.

authority of the same, that all prescriptions and claims of or for any modus decimandi, or of or to any exemption from or discharge of tithes, by composition real or otherwise, shall, in cases where the render of tithes in kind shall be hereafter demanded by our said lord the king, his heirs or successors, or by any duke of Cornwall, or by any lay person, not being a corporation sole, or by any body corporate of many, whether temporal or spiritual, be sustained and be deemed good and valid in law, upon evidence showing in cases of claim of a modus decimandi the payment or render of such modus, and in cases of claim to exemption or discharge showing the enjoyment of the land without payment or render of tithes, money, or other matter in lieu thereof, for the full period of thirty years next before the time of such demand; unless, in the case of claim of a modus decimandi, the actual payment or render of tithes in kind, or of money or other thing differing in amount, quality, or quantity from the modus claimed, or, in case of claim to exemption or discharge, the render or payment of tithes, or of money or other matter in lieu thereof, shall be shown to have taken place at some time prior to such thirty years, or it shall be proved that such payment or render of modus was made or enjoyment had by some consent or agreement expressly made or given for that purpose by deed or writing; and if such proof in support of the claim shall be extended to the full period of sixty years next before the time of such demand, in such cases the claim shall be deemed absolute and indefeasible, unless it shall be proved that such payment or render of modus was made or enjoyment had by some consent or agreement expressly made or given for that purpose by deed or writing; and where the render of tithes in kind shall be demanded by any archbishop, bishop, dean, prebendary, parson, vicar, master of hospital, or other corporation sole, whether spiritual or temporal, then every such prescription or claim shall be valid and indefeasible, upon evidence showing such payment or render of modus made or enjoyment had, as is herein-before mentioned, applicable to the nature of the claim, for and during the whole time that two persons in succession shall have held the office or benefice in respect whereof such render of tithes in kind shall be claimed, and for not less than three years after the appointment and institution or induction of a third person thereto: Provided always, that if the whole time of the holding of such two persons shall be less than sixty years, then it shall be necessary to show such payment or render of modus made or enjoyment had (as the case may be), not only during the whole of such time, but also during such further number of years, either before or after such time, or partly before and partly after, as shall with such time be sufficient to make up the full period of sixty years, and also for and during the further period of three years after the appointment and institution or induction of a third person to the same office or benefice, unless it shall be proved that such payment or render of modus was made or enjoyment had by some consent or agreement expressly made or given for that purpose by deed or writing.

What compositions for tithes shall be considered valid.

II. AND be it further enacted, that every composition for tithes which hath been made or confirmed by the decree of any court of equity in England in a suit to which the ordinary, patron, and incumbent were parties, and which hath not since been set aside, abandoned, or departed from, shall be and the same is hereby confirmed and made valid in law; and that no modus, exemption, or discharge shall be deemed to be within the provisions of this Act, unless such modus, exemption, or discharge shall be proved to have existed and

been acted upon at the time of or within one year next before the passing of this Act.

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IV. PROVIDED also, and be it further enacted, that this Act shall not extend or be applicable to any case where the tithes of any lands, tenements, or hereditaments shall have been demised by deed for any term of life or number of years, or where any composition for tithes shall have been made by deed or writing by the person or body corporate entitled to such tithes with the owner or occupier of the land for any such term or number of years, and such demise or composition shall be subsisting at the time of the passing of this Act, and where any action or suit shall be instituted for the recovery or enforcing the payment of tithes in kind within three years next after the expiration, surrender, or other determination of such demise or composition.

To what cases this Act shall not extend.

V. PROVIDED also, and be it further enacted, that where any lands or tenements shall have been or shall be held or occupied by any rector, vicar, or other person entitled to the tithes thereof, or by any lessee of any such rector, vicar, or other person, or by any person compounding for tithes with any such rector, vicar, or other person, or by any tenant of any such rector, vicar, or other person, or of any such lessee or compounder, whereby the right to the tithes of such lands or tenements may have been or may be during any time in the occupier thereof, or in the person entitled to the rent thereof, the whole of every such time and times shall be excluded in the computation of the several periods of time herein-before mentioned.

Time during which lands shall be held by persons entitled to the tithes thereof to be excluded in the computation under this Act;

VI. PROVIDED also, that the time during which any person otherwise capable of resisting any claim to any of the matters before mentioned shall have been or shall be an infant, idiot, non compos mentis, feme covert, or lay tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted, until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods herein-before mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

as also the time during which any person capable of resisting any claim shall be an infant, &c., except in cases where the right is hereby declared to be absolute.

VII. AND be it further enacted, that in all actions and suits to be commenced after this Act shall take effect it shall be sufficient to allege that the modus or exemption or discharge claimed was actually exercised and enjoyed for such of the periods mentioned in this Act as may be applicable to the case; and if the other party shall intend to rely on any proviso, exception, incapacity, disability, contract, agreement, deed, or writing herein mentioned, or any other matter of fact or of law not inconsistent with the simple fact of the exercise and enjoyment of the matter claimed, the same shall be specially alleged and set forth in answer to the allegation of the party claiming, and shall not be received in evidence on any general traverse or denial of the matter claimed.

What shall be sufficient allegation of a claim to exemption, &c. in actions. Infancy, &c. to be specially alleged in answer.

VIII. AND be it further enacted, that in the several cases mentioned in and provided for by this Act no presumption shall be allowed or made in favour or support of any claim upon proof of the exercise or enjoyment of the right or matter claimed for any less period of time or number of years than for such period or number mentioned in this Act as may be applicable to the case and to the nature of the claim.

No presumption allowed in support of any claim on proof of exemption, &c. for any less period than mentioned in this Act.



Act to extend  
to England  
only.

IX. PROVIDED also, and be it further enacted, that this Act shall not extend to Scotland or Ireland.

### CHAPTER CIII.

AN ACT to provide for the Examination and Audit of the Customs and Excise Revenues in Scotland. [11th August 1832.]

6 Ann. c. 53.

**W**HEREAS by an Act passed in the sixth year of the reign of her Majesty Queen Anne, intituled "An Act for settling and establishing a Court of Exchequer in the north part of Great Britain called Scotland," all accounts relating to the revenues and duties of customs and excise any ways appertaining or which thereafter should appertain to the Queen's Majesty, her heirs or successors, within Scotland, and all accounts concerning forfeitures and penalties which had been incurred or should or might be incurred or become any ways due and payable in Scotland, by force or virtue of any law or statute touching or relating to the customs or excise, are placed within the jurisdictions and authority of the Court of Exchequer in Scotland, and are by that Act annexed to the said court: And whereas it is by the said Act (amongst other things) enacted, that all and every such person and persons as is or are or shall be appointed under the aforesaid seal, which by the articles of union is appointed to be kept in Scotland, to be the auditor or auditors of the said revenues of customs or excise, or other crown revenues or duties whatsoever in Scotland or any part thereof, shall take the same or like oath, *mutatis mutandis*, for the due execution of his or their office or offices, before the barons of the said Court of Exchequer in Scotland, as any auditor of any of the crown revenues in England hath or have used or ought to take; and such auditor or auditors shall have the taking and making up all the said accounts, which being sworn to by the respective accountants as to the truth thereof, and allowed and declared by and before the said Court of Exchequer in Scotland, or before the chief baron or some other of the barons of the said Court of Exchequer, the same shall be examined, entered, and inrolled in the offices of remembrancer of the Queen's Majesty, her heirs and successors, and particulars and vouchers of such account contained in a bag for that purpose shall be there left, and such account shall be also entered in the office of the lord treasurer's remembrancer, in such and the like manner as is and hath been used in the like offices in England, and then shall be delivered into the pipe office in the Court of Exchequer in Scotland; and the clerk of the pipe, or chief officer in that office, or his deputy (in case that office shall be executed by deputy), shall cause the said accounts to be examined, and if found true to be entered and inrolled in the said office, and shall make and give a *quietus* or discharge to the accountant thereupon, which shall be a discharge to and for such accountant as to all the revenues, duties, matters, and things therein and thereby accounted for, paid, and answered; and if any supers or arrears shall be set upon the accountant, or any other person or persons, bodies politic or corporate, by or upon the said account, the Court of Exchequer in Scotland shall award all proper and effectual process to be made and issued out of such one of the two remembrancer's offices as the court shall direct, for the speedy accounting for, levying, and receiving of such supers and arrears, and answering the same to the use of the crown, in such sort and manner as

in like cases may by law be done or hath been used in the Court of Exchequer in England: And whereas an Act was passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate the several boards of customs and also the several boards of excise of Great Britain and Ireland": And whereas by an Act passed in the seventh and eighth years of the reign of his said late Majesty King George the Fourth, intituled "An Act to consolidate and amend the laws relating to the collection and management of the revenue of excise throughout Great Britain and Ireland," his Majesty is authorized and empowered to appoint, under the great seal of the United Kingdom, any number of persons not exceeding thirteen to be commissioners of excise for the collection and management of the whole of the revenue of excise arising in and throughout the United Kingdom of Great Britain and Ireland, and the islands and territories thereunto respectively belonging: And whereas by the said last-recited Act it is (amongst other things) enacted, that it shall be lawful for the lord high treasurer or any three of the commissioners of the Treasury, from time to time, under his hand and seal or under their hands and seals, to appoint a comptroller and an auditor for the United Kingdom, for the purpose of comptrolling and auditing respectively all accounts of and belonging to the revenue of excise, with such salaries respectively, payable by the commissioners of excise out of the revenue of excise, as the lord high treasurer or any three or more of the commissioners of the Treasury may in that behalf order and direct; and that such comptroller and auditor respectively shall in all respects be subject to such rules, orders, regulations, and directions, as the lord high treasurer or any three or more of the commissioners of the Treasury shall from time to time make or prescribe, and transmit to the said comptroller and auditor respectively, for their direction and guidance in their respective offices: And whereas an Act was passed in the first year of the reign of his present Majesty, intituled "An Act for the support of his Majesty's household and of the honour and dignity of the crown of the United Kingdom of Great Britain and Ireland": And whereas the whole revenue of excise in and throughout the United Kingdom being now under the controul and management of one board or body of commissioners, under and by virtue of the two recited Acts of the fourth and seventh and eighth years of the reign of his said late Majesty King George the Fourth, and the revenue of customs throughout the United Kingdom being also under the controul and management of one board or body of commissioners, it is expedient that all the revenues and duties, customs and excise, any ways appertaining to his Majesty within Scotland, and all forfeitures and penalties which have been incurred or shall or may be incurred or become any ways due and payable in Scotland, by force or virtue of any law or statute touching or relating to the customs or excise, should be received, answered, paid, and satisfied, and be accounted for, comptrolled, and audited, as the revenues and duties of customs and excise and penalties and forfeitures arising in England are received, answered, paid, satisfied, accounted for, and comptrolled and audited; but the same cannot be fully carried into effect without the repeal of so much of the said recited Act of her Majesty Queen Anne as requires the said accounts to be comptrolled and audited and inrolled in Scotland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords

4 Geo. 4. c. 23.

7 & 8 Geo. 4.  
c. 53.

1 Will. 4. c. 25.

Part of Act  
6 Ann. c. 58.  
repealed.

spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said Act of the sixth year of the reign of her Majesty Queen Anne, herein-before recited, as relates to the auditor or auditors of the said revenues of customs and excise in Scotland, or any part thereof, or to the taking or making up the accounts of or relating to the said revenues of customs or excise, or to the accountants thereof, or to the allowing, declaring, examining, entering, inrolling, leaving, or delivering any such accounts or vouchers of such account, or the discharging thereof, as specified in that Act, or which relate to the accounting for, paying, answering, receiving, or discharging, by the commissioners of customs or excise, of any of the revenues or duties of customs or excise in Scotland, or any of the fines, penalties, or forfeitures which shall be there recovered, or shall become due and payable under or by virtue of any Act or Acts of Parliament relating to the revenue of customs or excise, shall be repealed, and the same is hereby declared to be repealed accordingly. [Rep., Stat. Law Rev. Act, 1874.]

Accounts of  
the revenue  
of excise in  
Scotland to be  
comptrolled  
and audited  
with the ac-  
counts of the  
excise revenue  
in England.

II. AND be it further enacted, that all and every the revenues and duties of excise any ways appertaining to his Majesty within Scotland, and all duties of excise there arising and being, and all fines, penalties, and forfeitures which shall be incurred or become due and payable in Scotland under or by virtue of any law or laws relating to the revenue of excise, shall, when paid, answered, recovered, received, and discharged, be accounted for, and the accounts thereof delivered, examined, comptrolled, and audited by the comptroller and auditor of excise appointed for the United Kingdom, with and in such manner only as the like revenues and duties, fines, penalties, and forfeitures, arising in England, are directed to be accounted for, paid, answered, received, and discharged, and the accounts thereof delivered, examined, comptrolled, and audited; any thing in any Act or Acts to the contrary thereof notwithstanding.

After 10 Oct.  
1882, revenue  
of customs in  
Scotland to be  
carried to the  
consolidated  
fund.

III. AND be it further enacted, that from and after the tenth day of October one thousand eight hundred and thirty-two all and every the revenue of customs any ways appertaining to his Majesty within Scotland, and the produce of all forfeitures, fines, and penalties accruing in Scotland for the breach of any law relating to the revenue of customs, shall be paid to the commissioners of his Majesty's customs, or to such person as they shall appoint, to be from time to time paid into the receipt of his Majesty's Exchequer, to be carried to and made part of the consolidated fund of the United Kingdom of Great Britain and Ireland.

Audit of  
accounts of  
revenue of  
customs in  
Scotland.

IV. AND be it further enacted, that from and after the said tenth day of October the accounts of the said revenue of customs arising in Scotland shall be audited in the same manner and before the same persons as the accounts of the revenues of customs arising in England are directed by law to be audited.

This Act not  
to affect juris-  
diction of  
Court of Ex-  
chequer in  
Scotland, &c.

V. PROVIDED always, and be it further enacted, that nothing herein-before contained shall be deemed or construed to extend to repeal or alter the said recited Act, except as hereby repealed and altered, or in any manner to affect the legal jurisdiction of his Majesty's Court of Exchequer in Scotland as now by law established, but that all persons employed about the collecting the customs or excise revenues in Scotland shall continue subject to the jurisdiction of the said court; and all and every the debts, duties, and revenues of customs or excise, and all arrears thereof, due or which shall become due and payable to his Majesty, his heirs or successors, in Scotland, and all debts, duties, and revenues which shall have arisen or shall become due and payable in Scotland, under or by virtue of any law or laws of customs or excise, and

Recovery of  
customs and  
excise duties,  
&c. in Scot-  
land.

all and every the fines, penalties, and forfeitures which shall have been incurred or shall be incurred and become due and payable in Scotland, under or by virtue of the said laws or any of them, shall and may be sued for, prosecuted, and recovered in the said Court of Exchequer as heretofore, and according to the practice of such court and of his Majesty's Court of Exchequer in England, in like manner as if this Act had not been passed, and by all or any of the general or special ways, means, and methods, by which such debts, duties, revenues, fines, penalties, and forfeitures might heretofore have been and have been and may be sued for, prosecuted, and recovered; any thing in this or any other Act or Acts to the contrary thereof notwithstanding.

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## CHAPTER CV.

AN ACT for the better Support of the Dignity of the Speaker of the House of Commons; and for disabling the Speaker of the House of Commons for the Time being from holding any Office or Place of Profit, during Pleasure, under the Crown. [11th August 1832.]

**W**HEREAS an Act was passed in the thirtieth year of the reign of his Majesty King George the Third, intituled "An Act for the better support of the dignity of the speaker of the House of Commons, and for disabling the speaker of the House of Commons for the time being from holding any office or place of profit, during pleasure, under the crown," wherein it was recited that the commons of Great Britain in Parliament assembled, being desirous of making provision for enabling the speaker of the House of Commons for the time being more effectually to support the dignity of the said office and the expence necessarily attending the same, had resolved that for that purpose a sum should be issued at the Exchequer, which, together with the fees and allowances of five pounds per day payable on account of the said office, might amount to the clear yearly sum of six thousand pounds: And whereas it is expedient to provide for the payment of the said yearly sum of six thousand pounds out of the consolidated fund of the United Kingdom of Great Britain and Ireland, and to appropriate the fees now payable to the speaker of the House of Commons to the fee fund of the said house: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the speaker of the House of Commons for the time being shall be entitled to and shall have and receive the clear yearly sum of six thousand pounds; and the same shall be charged upon and made payable out of the consolidated fund of the United Kingdom of Great Britain and Ireland, and shall be paid quarterly at the receipt of the Exchequer at Westminster, at the four most usual quarterly days of payment in the year, (that is to say) the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October in every year; and such payments shall be made out of the said consolidated fund, after paying, or reserving sufficient to pay, all such sum and sums of money as may have been directed, by any Act or Acts of Parliament passed previously to the said recited Act, to be paid out of the same, but with preference to all other payments which shall have been or may hereafter be

80 Geo. 3.  
c. 10.

The speaker of the House of Commons to receive a yearly sum of 6,000*l.* payable out of the consolidated fund in lieu of fees, &c.

charged upon or payable out of the said fund; and the said sum of six thousand pounds shall be in lieu and instead of any fees heretofore paid to the said speaker, and of an allowance of five pounds per day heretofore usually made to him out of his Majesty's civil list revenues, and also of the payments directed to be made to him under and by virtue of the said recited Act; and the receipt of the said speaker for the time being shall be a sufficient discharge for the same.

Treasury to direct a debenture to be passed by officers of the Exchequer for payment of the salary.

II. AND be it further enacted, that it shall be lawful for the lord high treasurer or the commissioners of the Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them, and they are hereby authorized and required, by warrant under their hands, to direct a debenture to be made forth and passed by the proper officers at the receipt of his Majesty's Exchequer from time to time, for paying the said sum in manner as aforesaid, or such proportion of any quarterly payment thereof as may be due at the time of the death or resignation of any such speaker, and as the same shall from time to time become due and payable, according to the true intent and meaning of this Act; which said warrant and debenture to be made forth and passed thereon respectively shall be sufficient authority to the several and respective officers of the receipt of the Exchequer, now and for the time being, for the payment of such sum at the respective days to be appointed for such payments, without any further or other warrant to be sued for, had, or obtained in that behalf.

Salary to be free of all taxes, &c.

III. AND be it further enacted, that the said sum hereby directed to be issued shall be free and clear from all taxes, impositions, fees, and other charges whatever; and the speaker of the House of Commons for the time being shall be free and clear of all taxes, impositions, fees, and charges in respect of such sum; any thing herein contained in any law or statute to the contrary thereof in anywise notwithstanding.

Provision in case of a dissolution.

IV. PROVIDED always, and be it further enacted, that in case of any dissolution of Parliament the speaker of the House of Commons at the time of such dissolution shall for the purposes of this Act be deemed to be the speaker of the House of Commons until a speaker shall be chosen by the new Parliament.

Speaker not to hold any office under the crown during pleasure.

V. AND be it enacted, that the speaker of the House of Commons for the time being shall not hold or enjoy, in his own name or in the name of any person or persons in trust for him or for his benefit, any office or place of profit under the crown during pleasure.

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## CHAPTER CVI.

AN ACT to enable the Officers in His Majesty's Army, and their Representatives, and the Widows of Officers, and Persons on the Compassionate List, and also Civil Officers on Retired or Superannuation Allowances payable by the Paymaster General of His Majesty's Forces, to draw for and receive their Half Pay and Allowances. [11th August 1832.]

WHEREAS by an Act passed in the forty-seventh year of the reign of his Majesty King George the Third, intituled "An Act for the more convenient payment of half pay and pensions and other allowances to officers

" and widows of officers, and to persons upon the compassionate list," certain provisions were made respecting the mode in which officers in his Majesty's forces, and widows of any such officers, and persons receiving any allowance or pension on the compassionate list, or any pension, allowance, or relief in respect of any military service, should receive the same: And whereas it would tend to the greater convenience and advantage of such persons if they were enabled to draw for such half pay, pensions, and allowances by bills of exchange on the paymaster general of his Majesty's forces for the time being, instead of being paid the same in the manner provided by the said Act, and likewise of such persons as by reason of their having served any civil offices are on retired or superannuation allowances payable by the said paymaster general, if they were enabled to draw in like manner for the same, instead of being paid in the manner now provided: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of January one thousand eight hundred and thirty-three, if any officer or person who has served in any of his Majesty's forces, or in any forces which have been heretofore or may hereafter be engaged in his Majesty's service, and who shall be entitled to receive any half pay, pension, or allowance, or any widow of any such officer, or any person who shall be entitled to receive any allowance or pension on the compassionate list, or any pension, allowance, or relief in respect of any military service, or any person who shall be entitled to any retired or superannuation allowance payable by the paymaster general of his Majesty's forces by reason of his having served any civil office, shall be desirous of drawing a bill of exchange for the same upon the paymaster general of his Majesty's forces, instead of receiving the same by remittance bill or in the manner now provided for payment thereof, and shall signify such desire by letter to the paymaster general, transmitting therewith the usual affidavit or certificate, or affidavit and certificate in such cases where both are required as prescribed by his Majesty's warrant, or the usual documents now required before payment of the same, the cashier or proper officer in the army pay office (first satisfying himself from the annual establishment and books in the said office of the amount of half pay, pension, allowance, or relief due) shall certify the same upon an order to draw according to the form in the schedule hereunto annexed, which order shall then be dispatched from the said office to the officer or person so desiring payment; and such order and bill, when returned and presented to the paymaster general, duly filled up by the said officer or person, shall be retained, and shall become payable and be paid by the said paymaster general according to its tenor, in like manner as if it had been accepted, and shall, with the acquittance of the party claiming payment of the same, and with the said affidavit or certificate, or affidavit and certificate where both are required, or the documents now required before payment, annexed thereto, be a sufficient voucher and discharge to the paymaster general for such payment in his annual account.

Half pay and widows' pensions, pensions on compassionate list, and retired or superannuation allowances, may be paid by bill of exchange.

II. AND be it further enacted, that if the executors or administrators of any such deceased officer or person who at the time of his or her death was entitled to any such half pay, pension, allowance, or relief, shall be desirous

Representatives of deceased officer or person entitled may receive

half pay or pension by bill of exchange.

of receiving the same by bill of exchange in the manner herein-before provided for payment of the same to any such officer or person, and shall signify such his, her, or their desire by letter to the said paymaster general, requesting payment thereof accordingly, and transmitting the usual affidavit or certificate, or affidavit and certificate where both are required as prescribed by his Majesty's warrant, or the usual documents now required before payment in the case of such executors or administrators, it shall be lawful for the said paymaster general to pay or cause the same to be paid to such executors or administrators, or parties entitled to any such half pay, pension, allowance, or relief, in the manner herein-before provided for the payment to any such officer or person.

Forging certificates, &c. felony.

III. AND be it further enacted, that if any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act or assist in the false making, forging, or counterfeiting of any such authority or certificate or bill of exchange, or shall utter as true any such false, forged, or counterfeited authority or certificate or bill of exchange, knowing the same to be false, forged, or counterfeited, with intent to defraud any person or persons, body or bodies politic or corporate, every such person so offending shall be deemed guilty of felony, and, being thereof lawfully convicted, shall be transported for seven years, or suffer imprisonment for any term not exceeding four years, as the court shall direct.

Persons entitled to half pay, pensions, or allowances, may receive the same by remittance bills.

IV. AND be it further enacted, that any officer or person, who shall be entitled to any such half pay, pension, allowance, or relief as aforesaid, shall be at liberty, whenever he or she shall think fit, to receive the same by means of a remittance bill, to be made out payable to any such person, and to be signed by the cashier of half pay, the cashier of widows pensions, or by the chief cashier, or by any cashier duly appointed and authorized to act for any of the said several cashiers for any or either of the services respectively which they are or may be respectively authorized by the said paymaster general to pay; and every such remittance bill shall be drawn upon and made payable by the receiver general of the land tax, the collector of the cess in Scotland, or any collector of the duties of customs or excise; and payment on every such remittance bill shall be made only to the party to whom the same shall be expressed to be payable, except in cases where such party shall by illness or bodily infirmity be disabled from appearing personally, in which cases such disability being certified by the minister and churchwardens of the parish or place where the party shall reside, or by the physician, surgeon, or apothecary attending him or her, and there being no reason to doubt the authenticity or truth of such certificate, payment shall on that occasion be made on the production of the bill to the order in writing of the party to whom it is made payable: Provided always, that in case the receiver general of the land tax, the collector of the cess in Scotland, or any collector of the duties of customs or excise, or any person acting for any of them respectively, whose duty it shall be to make payment on any remittance bill, shall entertain any doubt as to the identity of the party, the authenticity of the vouchers produced, or his or her title to receive payment, such receiver general of the land tax, collector of the cess in Scotland, or collector of the duties of customs or excise,

Persons to whom remittance bills are payable shall appear personally unless disabled.

Power to inquire into the identity of parties, &c., and to administer oaths.

or any person acting for any of them respectively, shall inquire into the same by the oath of the party so applying, which oath such receiver general of the land tax, collector of the cess in Scotland, and collector of the duties of customs or excise, and any person acting for any of them respectively, are hereby respectively authorized to administer for that purpose; and if any person shall in or by any such oath wilfully and corruptly swear any matter or thing which shall be false or untrue, being thereof lawfully convicted, he shall be subject and liable to the like pains and penalties as any person convicted of wilful and corrupt perjury is or shall be by any law in force subject and liable to.

Penalty for  
swearing  
falsely.

\* \* \* \* \*

VI. AND whereas by an Act passed in the first year of the reign of his present Majesty, intituled "An Act to apply the sum of one million five hundred thousand pounds out of the consolidated fund to the service of the year one thousand eight hundred and thirty, and appropriate the supplies granted in this present session," certain oaths are required to be taken by officers and persons claiming to be entitled to half pay, and by widows of officers claiming pensions, and also by persons claiming allowances on the compassionate list, or allowances as of his Majesty's royal bounty, and it is expedient to make provision for the due administering of all such oaths: Be it therefore enacted, that all such oaths as by the said last-recited Act are required to be taken, or which by any other Act or Acts for appropriating the supplies granted or to be granted by Parliament are or at any time hereafter shall be required to be taken, by any officer or person claiming to be entitled to half pay or retired full pay, or by any widow of an officer claiming any pension, or by any person claiming an allowance on the compassionate list, or any allowance as of his Majesty's royal bounty, may be taken before any justice of the peace or other person duly authorized to administer an oath, or before any one of the officers for the time being in the office of the said paymaster general next herein-after named; (that is to say,) the chief cashier and his deputy, the cashier of half pay and the first examiner of the same, the cashier of widows pensions and the first examiner of the same; and every such justice of the peace and other such person as aforesaid, and every such officer as aforesaid, is hereby respectively authorized to administer any such oath accordingly.

11 Geo. 4. &  
1 Will. 4. c. 63.

Who may  
administer  
oaths required  
by appropria-  
tion Acts to be  
taken by per-  
sons entitled to  
half pay, &c.

VII. AND be it further enacted, that no bill of exchange or remittance bill which shall be drawn under or by virtue of this Act, in respect of any half pay, pension, or allowance (except retired or superannuation allowance of any person who shall be entitled thereto by reason of his having served any civil office), nor any receipt or acquittance indorsed on any such bill of exchange or remittance bill, shall be liable to or charged with any stamp duty whatever.

Bills of ex-  
change, &c.  
under this Act  
not liable to  
stamp duty ex-  
cept in respect  
of civil offices.

VIII. AND be it further enacted, that no person residing out of his Majesty's dominions shall be entitled to the privilege and benefit given and intended by this Act.

Persons resid-  
ing out of  
his Majesty's  
dominions  
excluded from  
benefit of Act.



The SCHEDULE to which this Act refers.

FORM of the CERTIFICATE or ORDER for drawing a Bill for Half Pay or Pension under the Authority of the Act, et cetera, et cetera.

HALF PAY or PENSION.

being entitled to the sum of  
[on account of half pay as a reduced pension, or retired or superannuated allowance, as a may be], from the first day of one thousand eight hundred and thirty to the day of , is hereby authorized to draw the following bill upon the paymaster general of his Majesty's forces for the said sum of

N.B.—This bill is not to be separated from the authority for drawing it.

} Cashier.

Three days after sight please to pay to the sum of being the amount of to me as a reduced in the or superannuation allowance, as a time above mentioned. 183 or order, [half pay due or pension, or retired as the case may be], for the

To the right honourable the paymaster general of his Majesty's forces, Whitehall.

N.B.—By the Act the forging of this bill, or procuring any other person to forge the same, is made felony; and the punishment is transportation for seven years, or imprisonment for four years.

Should any part of this bill be cut off or be otherwise defaced it will not be paid.

CHAPTER CVIII.

AN ACT for amending the Laws in Ireland relative to the Appointment of Special Constables, and for the better Preservation of the Peace.

[15th August 1832.]

WHEREAS it is expedient to amend the laws in Ireland relative to the appointment of special constables, and to make other provisions for the better preservation of the public peace in that part of the United Kingdom: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases where it shall be made to appear to any two or more justices of the peace of any county, riding, county of a city, county of a town, or place in Ireland, upon the oath of any credible witness, that any tumult, affray, riot, or felony has taken place or may be reasonably apprehended in any parish,

Where any tumult or riot, &c. has taken place or may be apprehended, justices may appoint special constables.

townland, or place situate within the jurisdiction of such justices, and such justices shall be of opinion that the ordinary police or constabulary or other force or officers of justice constituted and established therein, are not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of the property in any such place as aforesaid, then and in every such case such justices are hereby authorized to nominate and appoint, by precept in writing under their hands, so many as they shall think fit of the householders or other persons (not legally exempt from serving the office of constable) residing in such parish, townland, or place as aforesaid, or the neighbourhood thereof, to act as special constables for such time and in such manner as to the said justices respectively shall seem fit and necessary for the preservation of the public peace and for the protection of the inhabitants and the security of the property in such parish, townland, or place; and the justices of the peace who shall appoint any special constables by virtue of this Act, or any one of them, or any other justice of the peace acting for the same limits, are and is hereby authorized to administer to every person so appointed the following oath; (that is to say,)

Justices to administer to the persons appointed the following oath.

‘ I A.B. do swear, that I will well and truly serve our Sovereign lord the King in the office of special constable for the parish [or townland or district] of \_\_\_\_\_ without favour or affection, malice or ill-will, and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of his Majesty’s subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me GOD.’

Provided always, that whenever it shall be deemed necessary to nominate and appoint such special constables as aforesaid, notice of such nomination and appointment, and of the circumstances which have rendered such nomination and appointment expedient, shall be forthwith transmitted by the justices making such nomination and appointment to the lord lieutenant or other chief governor or governors of Ireland, and to the lieutenant of the county or place.

Notice of such appointment to be transmitted to lord lieutenant, &c.

II. AND be it further enacted, that in any case in which any number of the householders or other persons not legally exempt from serving the office of constable shall have been appointed by the justices in manner aforesaid to act as special constables for any parish, townland, or place as aforesaid, it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland, on the representation of any two justices of the peace, to order that the persons exempt by law from serving as special constables in such parish, townland, or place, or the neighbourhood thereof, shall, notwithstanding such exemption, be appointed and sworn in to act as special constables as if they were not by law exempt; and such persons shall accordingly be appointed and sworn in manner aforesaid, and shall be liable to act for two calendar months only.

Lord lieutenant may order persons exempt by law to act as special constables.

III. AND be it enacted, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland to give direction to the lieutenant of any county or place to nominate and appoint, and to cause to be sworn, special constables throughout the whole of such county or place, or any portion thereof, of whatever size or denomination, and to signify, if he or

Time of service limited.

Lord lieutenant may order special constables to be appointed throughout any county, without exemption.

Period of service.

they shall see fit, that no person shall be excused from being so appointed and sworn in by reason of any exemption: Provided always, that the persons so appointed and sworn in, whether having cause of exemption or not, shall only be called upon to act for three calendar months.

Justices may make orders and regulations respecting special constables, and may remove individuals for misconduct.

IV. AND be it enacted, that the justices of the peace who shall have appointed any special constables under this Act, or any two of them, or the justices acting within the limits wherein such special constables shall have been called out, at a special session of such last-mentioned justices, or the major part of such last-mentioned justices at such special session, shall have power to make such orders and regulations as may from time to time be necessary and expedient for rendering such special constables more efficient for the preservation of the public peace, and shall also have power to remove any such special constable from his office for any misconduct or neglect of duty therein.

Special constables to have all the powers, &c. pertaining to the office of constable.

V. AND be it enacted, that every special constable appointed under this Act shall, not only within the parish, townland, or place for which he shall have been appointed, but also throughout the entire jurisdiction of the justices so appointing him, have, exercise, and enjoy all such powers, authorities, rights, privileges, advantages, and immunities, and be liable to all such duties, and responsibilities, as any constable duly appointed now has within his constablewick by virtue of the common law of this realm or of any statute or statutes.

Justices may order special constables to act in any adjoining county.

VI. AND be it enacted, that where any special constables appointed under this Act shall be serving within any county, and two or more justices of the peace of any adjoining county shall make it appear to the satisfaction of any two or more justices of the peace acting for the limits wherein such special constables are serving, that any extraordinary circumstances exist which would render it expedient that such special constables should act in such adjoining county, then and in every such case the said last-mentioned justices are hereby authorized (if they shall think fit) to order all or any of the said special constables to act in such adjoining county, in such manner as to the said last-mentioned justices shall seem meet; and every such special constable, during the time that he shall so act in such adjoining county, shall have, exercise, and enjoy all such powers, authorities, rights, privileges, advantages, and immunities, and be liable to all such duties and responsibilities, as if he were acting within the parish, townland, or place for which he was originally appointed.

Penalty on person appointed refusing to take the oath, or neglecting to attend as required.

VII. AND be it enacted, that if any person, being appointed a special constable as aforesaid, shall refuse to take the oath herein-before mentioned, when thereunto required by the justices of the peace so appointing him, or by any other two justices of the peace acting within the same limits, he shall be liable to be convicted thereof forthwith before the said justices so requiring him, and to forfeit and pay such sum of money not exceeding five pounds as to the said justices so requiring him shall seem meet; and if any person, being appointed a special constable as aforesaid, shall neglect or refuse to appear at the time and place for which he shall be summoned for the purpose of taking the said oath, he shall be liable to be convicted thereof forthwith before the justices so appointing him, or before any other two justices of the peace acting within the same limits, and to forfeit and pay such sum of money, not ex-

ceeding five pounds, as to the convicting justices shall seem meet, unless such person shall prove to the satisfaction of the said justices that he was prevented by sickness or such other unavoidable accident as shall in the judgment of the said justices be a sufficient excuse.

VIII. AND be it enacted, that if any person, being appointed a special constable as aforesaid, and being called upon to serve as such special constable as aforesaid, shall neglect or refuse to serve as such special constable, or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office, every person so offending shall, on conviction thereof before any two justices of the peace, forfeit and pay for every such neglect or refusal such sum of money, not exceeding five pounds, as to the said justices shall seem meet, unless such person shall prove to the satisfaction of the said justices that he was prevented by sickness or such other unavoidable accident as shall in the judgment of the said justices be a sufficient excuse.

Penalty on persons appointed refusing to serve, or disobeying orders when called upon.

IX. AND be it enacted, that the justices who shall have appointed any special constables under this Act are hereby empowered, or the justices acting for the limits within which such special constables shall have been called out, at a special session to be held for that purpose, or the major part of such last-mentioned justices at such special session, are hereby empowered to suspend or determine the services of any or all of the special constables so called out, as to the said justices respectively shall seem meet; and notice of such suspension or determination of the services of any or all of the said special constables shall be forthwith transmitted by such respective justices to the chief secretary of the lord lieutenant or other chief governor or governors of Ireland, or his under secretary, and also to the lieutenant of the county.

Justices may suspend or determine the service of special constables.

In either case notice to be transmitted to chief secretary of lord lieutenant, &c.

X. AND be it enacted, that every such special constable shall, within one week after the expiration of his office, or after he shall cease to hold and exercise the same pursuant to this Act, deliver over to his successor (if any such shall have been appointed), or otherwise to such person and at such time and place as may be directed by any justice of the peace acting for the limits within which such special constable may have been called out, every staff, weapon, and other articles which shall have been provided for such special constable under this Act; and if any such special constable shall omit or refuse so to do, he shall, on conviction thereof before two justices of the peace, forfeit and pay for every such offence such sum of money, not exceeding two pounds, as to the convicting justices shall seem meet.

Special constables, after expiration of service, to deliver up staves, weapons, &c.

Penalty for neglect.

XI. AND be it enacted, that if any person shall assault or resist any constable appointed by virtue of this Act whilst in the execution of his office, or shall promote or encourage any other person so to do, every such person shall, on conviction thereof before two justices of the peace, forfeit and pay for such offence any sum not exceeding twenty pounds, or shall be liable to such other punishment, upon conviction on any indictment or information for such offence, as any persons are by law liable to for assaulting any constable in the execution of the duties of his office.

Penalty on assaulting or resisting a constable on duty.

XII. AND be it enacted, that the justices of the peace acting for the limits within which any such special constable shall have been called out to serve at a special session to be held for that purpose, or the major part of the justices at such special session, are hereby empowered to order from time to time such

Justices may order reasonable allowances and expences to be paid to special con-

stables by  
order on  
county trea-  
surer.

reasonable allowances for their trouble, loss of time, and expences, to be paid to such special constable who shall have so served or be then serving, as to the said justices or such major part of them shall seem proper; and the said justices, or such major part of them, may also order the payment of such expences as may have been incurred in providing staves or other necessary articles for such special constables; and the said justices shall make such order for the payment of such allowances and expences upon the treasurer of the county, county of a city, county of a town, within or within any part of which such special constables may have served, who is hereby required to pay the same out of any public money which shall then be in his hands; and the said treasurer shall be allowed all such payments in his accounts.

\* \* \* \* \*

Justices of  
peace may  
adjourn spe-  
cial sessions  
from time to  
time, &c.

XIV. AND be it enacted, that the justices of the peace assembled at any special session for any of the purposes mentioned in this Act shall have power to adjourn the same from time to time as they shall think proper; and that every special session which shall have been actually holden for any of the purposes mentioned in this Act shall be deemed and taken to have been legally holden, until the contrary shall be proved.

Prosecution  
of offences  
punishable by  
summary con-  
viction and  
disposal of  
penalties.

XV. AND be it enacted, that the prosecution of every offence punishable upon summary conviction by virtue of this Act shall be commenced within two calendar months after the commission of the offence; and that every penalty and forfeiture for any offence against this Act shall be paid to such hospital, infirmary, or other charitable institution situate within the limits of the jurisdiction of the convicting justices, as such convicting justices may direct; and no person shall by reason of the application of any such penalty or forfeiture as aforesaid be deemed an incompetent witness in proof of any offence against this Act.

Recovery of  
penalties.

XVI. AND be it enacted, that the justices of the peace by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this Act may adjudge that such person shall pay the same either immediately or within such period as the said justices shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, together with the reasonable charges of such distress; and for want of sufficient distress such offender shall be imprisoned in the common gaol or house of correction, as to the convicting justices shall seem meet, for any term not exceeding one calendar month when the sum to be paid shall not exceed five pounds, and for any term not exceeding two calendar months in any other case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

Form of con-  
viction.

XVII. AND be it enacted, that the justices of the peace before whom any person shall be summarily convicted for any offence against this Act may cause the conviction to be drawn up in the following form of words, or to the like effect; (that is to say,)

' to wit. } BE it remembered, that on the                      day of                      in  
                  the year of our Lord                      at                      in the  
' county of                      , A.E. is convicted before us, J.P. and J.J.P., two of  
' his Majesty's justices of the peace for the said county, for that he the said  
' A.E. did [here specify the offence, and the time and place when and where

' the same was committed, as the case may be ] ; and we do adjudge that the  
' said A.E. shall for the said offence forfeit the sum of                 and  
' shall pay the same immediately [or, shall pay the same on or before the  
'                 day of                 ] to C.D., being [the treasurer, governor, or  
' other officer, as the case may be, administering the funds of the hospital,  
' infirmary, or other charitable institution to which such fine may be given,  
' to be by him applied to the use of such hospital, infirmary, or other institu-  
' tion, as may happen.] Given under our hands the day and year first above  
' mentioned.

J.P. & J.J.P.'

XVIII. AND be it enacted, that no conviction for any offence against this Act shall be quashed for want of form, or be removed by certiorari or otherwise into any of his Majesty's superior courts of record; and that no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and that where any distress shall be made for levying any money by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage (if any) in an action upon the case.

**Convictions  
not to be  
quashed for  
want of form,  
&c.**

XIX. AND be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county, riding, county of a city, or county of a town where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such cause of action shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, or, in case of replevin, may avow generally that the goods and chattels mentioned in the plaintiff's declaration were taken by virtue of the Act, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

### Limitation of actions.

**Notice.**

**General issue.**

**Tender of  
amends.**

### Costs.

XX. AND be it enacted, that an Act passed in the first year of the reign of King George the Fourth, intituled "An Act to increase the power of magistrates in the "appointment of special constables," shall be and the same is hereby repealed as to all parts of Ireland. [Rep., Stat. Law Rev. Act, 1874.]

**1 Geo. 4. c. 37.  
repealed as to  
Ireland.**

Act not to  
extend to  
England or  
Scotland.

Act not to  
abridge the  
powers of  
justices.

XXI. AND be it enacted, that nothing in this Act contained shall extend to England or Scotland.

XXII. PROVIDED always, and be it enacted, that nothing in this Act contained shall be construed to abridge any powers for preserving the public peace, whether by appointing constables or otherwise, which any justice or justices of the peace had by law, or by virtue of any statute or statutes, before the passing of the said herein-before recited Act of the first year of the reign of King George the Fourth.

## CHAPTER CXI.

AN ACT to abolish certain Sinecure Offices connected with the Court of Chancery, and to make Provision for the Lord High Chancellor on his Retirement from Office. [15th August 1832.]

\* \* \* \* \*

Annuity of  
5,000*l.* out of  
consolidated  
fund to lord  
chancellor on  
resignation of  
office.

III. AND whereas by reason of the abolition of the said offices the lord high chancellor or lord keeper of the great seal for the time being will be deprived of the patronage and gift of the said offices, which does of right belong to and has been exercised by him; and it is therefore just and equitable that more ample provision should be made for the lord high chancellor or lord keeper of the great seal on his retirement from office: Be it therefore enacted, that it shall be lawful for his Majesty, his heirs and successors, by any letters patent under the great seal of Great Britain, to give and grant unto any person executing the office of lord high chancellor of Great Britain for the time being, or the office of keeper of the great seal of Great Britain, an annuity or yearly sum of money not exceeding five thousand pounds of lawful money of Great Britain, to commence and take effect immediately from and after the period whenever the person to whom such annuity or yearly sum of money shall be granted shall resign the said office of lord chancellor, or the office of keeper of the great seal of Great Britain, or be removed from the same respectively, and to continue from thenceforth for and during the natural life of the person to whom the same shall be granted as aforesaid; and such annuity or yearly rent or sum shall be issued and payable out of and be charged and chargeable upon the consolidated fund of the United Kingdom of Great Britain and Ireland, after paying, or reserving sufficient to pay, all such sum or sums of money as have been directed under any former Act or Acts to be paid out of the same; and the said annuity or yearly rent or sum shall from time to time be paid and payable quarterly, free and clear of all taxes and deductions whatsoever, at the four usual days of payment in the year, that is to say, the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October in each year, by even and equal portions, the first payment to be made on such of the said days as shall next happen after such resignation as aforesaid of the said office: Provided always, that it shall be lawful for his Majesty, his heirs and successors, in and by the said letters patent, if he or they shall think fit, to limit the duration and payment of any such annuity to be granted to any person executing the said office of lord high chancellor, or the office of keeper of the great seal of Great Britain, or any part of such annuity, to such periods of time during the natural life of such person in

which he shall not execute the said office of lord high chancellor, or the keeper of the great seal of Great Britain, or any other office of profit under his Majesty, his heirs or successors, so as such annuity to be granted as aforesaid, together with the salary and profits of such other office, shall together not exceed in the whole the sum of five thousand pounds; anything contained in any Act or Acts to the contrary hereof in anywise notwithstanding.

## CHAPTER CXII.

AN ACT to authorize the Hereditary Land Revenues of the Crown in Scotland being placed under the Management of the Commissioners of the Land Revenues.]\* [15th August 1832.]

**W**HEREAS it may hereafter become expedient that the duties and powers now performed and exercised and exercisable by the barons of his Majesty's Court of Exchequer in Scotland over the hereditary land revenues of the crown in Scotland should be performed and exercised by and such revenues placed under the management and control of the commissioners having the management and control of the hereditary revenues of the crown in England and Ireland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the lord high treasurer, or the commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them, and he and they is and are hereby authorized and empowered, by warrant under his or their hand or hands, to order and direct that from and after the time to be mentioned in such warrant all and every the revenues, debts, duties, and profits, of what nature or kind soever, anyways appertaining or which hereafter shall appertain to the King's Majesty, his heirs or successors, within Scotland, and all honors, castles, manors, lands, tenements, and hereditaments in Scotland, which now do or hereafter shall appertain to the King's Majesty, his heirs or successors, by force or virtue of any attainder, outlawry, seizure for any crime, or cause of forfeiture, debt, or duty, or upon any extent, commission, or otherwise, or by force and virtue of the royal prerogative, or by any other right or title whatsoever, and all and every the rents, issues, and profits thereof or of any of them, and also all and every the goods, chattels, debts, credits, rights, titles, and personal estates within Scotland, anyways accruing or belonging or which hereafter shall belong to the King's Majesty, his heirs and successors, by force or virtue of the royal prerogative, or of any attainder, outlawry, extent, inquisition, debt, duty, or forfeiture, or by any other right, title, ways, or means whatsoever, and all the remedies and means for recovering the same or the possession thereof, and all accounts relating thereto, and also all and every forfeitures and penalties which have been

The Treasury may issue a warrant directing revenues, debts, duties, lands, forfeited estates, fines, &c. in Scotland belonging to his Majesty to be placed under the management of the commissioners of woods, forests, land revenues, works, and buildings,

[\* So much of this Act as gives to the commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings, the management, control, and direction of all and every penalties and penalty which have been incurred or which shall or may be incurred, or become anywise due and payable in Scotland, by force or virtue of any penal statute, rep., 3 & 4 Will. 4. c. 69. s. 1.]



acting under  
10 Geo. 4.  
c. 50.

and 2 & 3  
Will. 4. c. 1.

On the issue  
of such war-  
rant, powers of  
the barons of  
the Exchequer  
as to such  
revenues, &c.  
to cease; and  
deeds, &c. to  
be construed  
as applying to  
the commis-  
sioners.

incurred or shall or may incur or become anyways due and payable in Scotland by force or virtue of any penal or other laws or statutes whatsoever, and also all fines, issues, forfeitures, or penalties, of what nature or kind soever, happening, arising, or accruing to the King's Majesty, his heirs or successors, within Scotland, save and except such as are now under the management of the commissioners of his Majesty's customs and excise respectively, shall be under the management, control, and direction of the commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings in England and Ireland, and their successors, acting under or by virtue of an Act passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate and amend the laws relating to the management and improvement of his Majesty's woods, forests, parks, and chases, of the land revenue of the crown within the survey of the Exchequer in England, and of the land revenue of the crown in Ireland, and for extending certain provisions relating to the same to the Isles of Man and Alderney," and of another Act passed in the second year of the reign of his present Majesty, intituled "An Act for uniting the office of the surveyor general of his Majesty's works and public buildings with the office of the commissioners of his Majesty's woods, forests, and land revenues, and for other purposes relating to the land revenues"; and from and after the time to be mentioned in such warrant as aforesaid the duties heretofore performed, and the powers heretofore exercised or exercisable, by the barons of his Majesty's Court of Exchequer in Scotland, in and about the management and control of such hereditaments and revenues respectively, shall be performed and exercised by the commissioners of his Majesty's woods, forests, land revenues, works, and buildings, and their successors; and all acts, deeds, bonds, contracts, agreements, and other instruments relating to such hereditaments and revenues respectively, in which the said barons of his Majesty's Court of Exchequer in Scotland are named or mentioned, shall apply to the commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings, as if such commissioners had been originally named in and made parties to such acts, deeds, bonds, contracts, agreements, and other instruments, instead of the barons of the Exchequer aforesaid.

\* \* \* \* \*

## CHAPTER CXIII.

AN ACT to continue, until the Fifth Day of April One thousand eight hundred and thirty-four, Compositions for the Assessed Taxes, and to grant Relief in certain Cases. [15th August. 1832.]

\* \* \* \* \*

III. AND whereas by two several Acts, passed in the fifty-seventh year of the reign of his late Majesty King George the Third and the fifth year of the reign of his late Majesty King George the Fourth, provision is made for granting exemptions from the duties on houses, windows, and lights, and upon inhabited houses, to persons in respect of tenements or buildings wholly occupied by them in the daytime only for the purposes of their trades or professions, where such persons also reside in a separate and distinct dwelling house or part of a dwelling house charged to the said duties: And whereas the

exemption under the provisions of the said Acts cannot be acquired and granted for a lesser period than the whole year's assessment; and it is expedient to apply the said exemptions to occupiers for parts of the same year in the cases of changes of occupation herein mentioned: Be it further enacted, that where any person or persons in the said Acts or either of them described shall have occupied a tenement or building, or part of a tenement or building, for the uses and purposes allowed by the said exemptions in the said Acts contained, for a lesser period than the year of assessment, and for and during any intire quarter or quarters only thereof, it shall be lawful for the respective commissioners, on the exemption for such intire quarter or quarters being duly claimed, by a notice and declaration in the manner required by the said Acts for claiming exemptions for the year of assessment, to discharge the assessment for the intire quarter or quarters of the year for which the said exemption shall be claimed and established: Provided always, that no such claim shall be allowed to any person under this Act who shall occupy the same premises as a dwelling house, and as a tenement or building for the purposes of exemption, at different periods during one year of assessment, nor unless the occupier or occupiers quitting or the occupier or occupiers commencing the occupation of the premises in the manner allowed by the said exemptions, and who shall seek the benefit of this provision, shall, before the quitting or commencement of occupation respectively, give notice thereof to the assessor or surveyor in the manner required by the Acts in force for authorizing allowances for parts of the year on changes of occupation.

Exemption from house tax granted by 57 Geo. 3. c. 25. and 5 Geo. 4. c. 44. in respect of houses used solely for trade may be claimed for any one or more quarter or quarters of a year.

\* \* \* \* \*

## CHAPTER CXV.

AN ACT for the better securing the Charitable Donations and Bequests of His Majesty's Subjects in Great Britain professing the Roman Catholic Religion. [15th August 1832.]

**W**HEREAS by an Act passed in the first year of the reign of King William and Queen Mary, intituled "An Act for exempting his Majesty's protestant subjects dissenting from the Church of England from the penalties of certain laws," and by certain subsequent statutes, the schools and places for religious worship, education, and charitable purposes of protestant dissenters are exempted from the operation of certain penal and disabling laws to which they were subject previously to the passing of the said recited Act of the first year of the reign of King William and Queen Mary: And whereas by certain Acts of the Parliament of Scotland, and particularly by an Act passed in the year one thousand seven hundred, intituled "An Act for preventing the growth of popery," various penalties and disabilities were imposed upon persons professing the Roman catholic religion in Scotland: And whereas, notwithstanding the provisions of various Acts passed for the relief of his Majesty's Roman catholic subjects from disabling laws, doubts have been entertained whether it be lawful for his Majesty's subjects professing the Roman catholic religion in Scotland to acquire and hold in real estate the property necessary for religious worship, education, and charitable purposes: And whereas it is expedient to remove all doubts respecting the right of his Majesty's subjects professing the Roman catholic

1 Will. & Mar. c. 18.

Scotch Act, 1700 c. 8.

Roman catho-  
lics in Great  
Britain to be  
subject to the  
same laws  
as protestant  
dissenters, with  
respect to  
schools and  
places of wor-  
ship, &c.

religion in England and Wales to acquire and hold property necessary for religious worship, education, and charitable purposes: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act his Majesty's subjects professing the Roman catholic religion, in respect to their schools, places for religious worship, education, and charitable purposes, in Great Britain, and the property held therewith, and the persons employed in or about the same, shall in respect thereof be subject to the same laws as the protestant dissenters are subject to in England in respect to their schools and places for religious worship, education, and charitable purposes, and not further or otherwise.

\* \* \* \* \*

This Act not  
to repeal pro-  
visions in  
10 Geo. 4. c. 7.  
for suppression  
of certain reli-  
gious societies.

IV. PROVIDED always, and be it further enacted, that nothing in this Act contained shall be taken to repeal or in any way alter any provision of an Act passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled "An Act for the relief of his Majesty's Roman catholic subjects," respecting the suppression or prohibition of the religious orders or societies of the Church of Rome bound by monastic or religious vows.

Property held  
for the pur-  
poses men-  
tioned in  
this Act, in  
England and  
Wales, to be  
subject to the  
provisions of  
9 Geo. 2. c. 36.

V. PROVIDED always, and be it further enacted, that all property to be acquired or held for such purposes of religious worship, education, and charitable purposes, in England and Wales, shall be subject to the provisions of an Act passed in the ninth year of the reign of King George the Second, intituled "An Act to restrain the disposition of lands whereby the same may become unalienable," and to the same laws as the protestant dissenters are subject to in England in respect of the acquiring or holding of such property: Provided always, that nothing in this Act contained shall be taken to extend the provisions of the said last-recited Act to that part of Great Britain called Scotland.

## CHAPTER CXVI.

AN ACT to provide for the Salaries of certain High and Judicial Officers, and of Payments heretofore made out of the Civil List Revenues.

[16th August 1832.]

1 Will. 4. c. 25.

WHEREAS in an Act passed in the first year of the reign of his present Majesty, intituled "An Act for the support of his Majesty's household, and of the honour and dignity of the crown of the United Kingdom of Great Britain and Ireland," it is recited, that in consequence of his Majesty having been graciously pleased to signify to his faithful commons in Parliament assembled, that his Majesty placed without reserve at their disposal his Majesty's interest in the hereditary revenues, and in those funds which may be derived from any droits of the crown or Admiralty, from the West India duties, or from any casual revenues, either in his Majesty's foreign possessions or in the United Kingdom; and that in surrendering his Majesty's interest in revenues which had in former settlements of the civil list been reserved to the crown, his Majesty rejoiced in the opportunity of evincing his Majesty's entire reliance on their dutiful attachment, and his Majesty's confidence that they would cheerfully provide all that might be necessary for the support of

the civil government, and the honour and dignity of his Majesty's crown; his Majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, with hearts full of the warmest duty and gratitude, declare their desire that provision should be made for the support of the civil government by charges upon the consolidated fund, and otherwise by other Acts to be passed in the then session of Parliament, and that a certain and competent revenue for defraying the expences of his Majesty's household, and supporting the honour and dignity of the crown of the United Kingdom during his Majesty's life (whom God long preserve), might be settled upon his Majesty: And whereas by the said recited Act the latter object was effected, but no Act or Acts have since passed for making the contemplated provision for the civil government charges previously borne upon the civil list revenues, upon the hereditary revenues of Scotland, and upon the four and half per centum duties, over and above the charges provided for by the said recited Act; and such charges have from time to time been provided for by occasional grants of Parliament until they should be charged upon the consolidated fund, or otherwise provided for according to the spirit and meaning declared in the said recited Act: And whereas it has been deemed expedient that many of the said charges should be granted from year to year upon estimates to be annually prepared for that purpose: And whereas it is now deemed expedient to carry into effect the intentions expressed in that Act, by making provision for other of the said civil government charges out of the consolidated fund of the United Kingdom of Great Britain and Ireland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, his heirs and successors, to grant the several and respective annual salaries herein-after specified, from and after the fifth day of April one thousand eight hundred and thirty-two, to the judges of his Majesty's courts at Westminster and Dublin, herein-after enumerated; (that is to say,) to the chief justice of the Court of King's Bench at Westminster, ten thousand pounds; to the chief justice of the Court of Common Pleas at Westminster, eight thousand pounds [Rep., Stat. Law Rev. Act, 1874.]; to the chief baron of the Court of Exchequer at Westminster, seven thousand pounds; to each of the puisne justices of the courts of King's Bench and Common Pleas and barons of the coif of the Court of Exchequer at Westminster, . . . . . who may be hereafter appointed, five thousand pounds; . . . . . to the vice-chancellor of England, six thousand pounds [Rep., Stat. Law Rev. Act, 1874.]; to the lord chancellor of Ireland, eight thousand pounds; to the chief justice of the Court of King's Bench in Dublin, five thousand and seventy-four pounds nine shillings and four-pence; to the chief justice of the Court of Common Pleas in Dublin, four thousand six hundred and twelve pounds eighteen shillings and eight-pence; to the chief baron of the Court of Exchequer in Dublin, four thousand six hundred and twelve pounds eighteen shillings and eight-pence; to the second justice of the Court of King's Bench in Dublin, three thousand seven hundred and twenty-five pounds nineteen shillings and four-pence; to each of the other puisne justices of the courts of King's Bench and Common Pleas and barons of the coif in the Court of Exchequer in Dublin, three thousand six hundred and eighty-eight pounds twelve shillings and four-pence; . . . . .

Salaries to  
judges.

Salaries to be payable quarterly out of the consolidated fund, in lieu of all fees, &c.

. . . . . and all such salaries shall be payable quarterly, and shall be charged and chargeable upon and paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland; and all such respective salaries shall be the full salaries of each of such judges, and shall be in lieu of all salaries heretofore payable to such judges out of the consolidated fund or civil list, or other fund whatsoever, under any Act or Acts of the Parliament of Great Britain or Ireland or of the United Kingdom, and of all fees or other emoluments which heretofore made part of the salaries of any of such judges respectively, . . . . . any thing contained in any Act or Acts of the Parliament of Great Britain or Ireland or of the United Kingdom, or any law, usage, or custom, relating to any of the salaries of any of such judges respectively, to the contrary notwithstanding.

\* \* \* \* \*

Salary to lord lieutenant of Ireland.

III. AND be it further enacted, that it shall be lawful for his Majesty, his heirs and successors, to grant to the lord lieutenant general and general governor of Ireland for the time being an annual salary of twenty thousand pounds, chargeable upon the said consolidated fund of the United Kingdom of Great Britain and Ireland, to be paid and payable quarterly at the four most usual days of payment in the year, the first payment to commence and take effect from the fifth day of April one thousand eight hundred and thirty-two.

\* \* \* \* \*

Salaries, &c. to be free of all fees and taxes.

[XII.\*] AND be it further enacted, that the several salaries, allowances, and pensions granted or to be granted under the authority of this Act shall be paid net, and free and clear of all taxes or charges, for or in respect of any land tax, or of any pension or other duty, rate, or charge whatever, and clear and discharged of all fees or payments whatever to which any such salaries, allowances, or pensions may have been heretofore, or may be by any Act or Acts of Parliament, or law or laws, or any ancient usage or custom, subject or liable; and that all such salaries, allowances, and pensions shall be paid and payable quarterly at the four most usual days of payment in the year, together with a rateable proportion of the quarter current at the death or resignation of any of the persons in the receipt of such salaries, allowances, and pensions.

The Treasury may by warrant direct the auditor of the Exchequer to pass debentures for payment of the salaries, pensions, &c.

[XIII.\*] AND be it further enacted, that it shall be lawful for the lord high treasurer, or the commissioners of the Treasury of the United Kingdom of Great Britain and Ireland, for the time being, or any three or more of them, and they are hereby authorized and required, by warrant under their hands, to direct debentures to be made forth and passed by the proper officers at the receipt of his Majesty's Exchequer, from time to time, for paying the said several salaries, pensions, or sums of money, in manner as aforesaid, and as the same shall from time to time become due and payable, according to the true intent and meaning of this Act; which said warrants, and debentures to be made forth and passed thereon respectively, shall be sufficient authority to the several respective officers of the receipt of the Exchequer, now and for the time being, for the payment of all such salaries, pensions, or sums of money, at the

[\* So much of sections 12 and 13 as relates to diplomatic salaries, allowances, and pensions, rep., 32 & 33 Vict. c. 43. s. 4.]

respective days to be appointed for such payments, without any further or other warrants to be sued for, had, or obtained in that behalf.

\* \* \* \* \*

## CHAPTER CXX.

AN ACT to repeal the Duties under the Management of the Commissioners of Stamps on Stage Carriages and on Horses let for Hire in Great Britain, and to grant other Duties in lieu thereof, and also to consolidate and amend the Laws relating thereto. [16th August 1832.]

WHEREAS it is expedient to repeal the duties under the management of the commissioners of stamps in respect of stage carriages and of horses let for hire in Great Britain, and to grant other duties in lieu thereof, and also to consolidate and amend the laws now in force relating to such stage carriages and horses as aforesaid respectively : . . . . .

\* \* \* \* \*

IV. AND be it enacted, that in lieu of the duties repealed by this Act there shall be raised, levied, collected, and paid unto and for the use of his Majesty, his heirs and successors, in and throughout Great Britain, for and in respect of every stage carriage and every horse let for hire and every licence relating to the same, and for and in respect of passengers conveyed for hire as mentioned and described in the schedule (A.) to this Act annexed, the several duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in the same schedule; and that the said schedule shall be deemed and taken to be part of this Act; and that all the said duties shall be under the management of the commissioners of stamps, and shall be denominated and deemed to be stamp duties. [Rep., 32 & 33 Vict. c. 14. s. 39.]

Grant of duties  
in respect of  
stage carriages,  
&c.

V. AND be it enacted, that every carriage used or employed for the purpose of conveying passengers for hire to or from any place in Great Britain, and which when passing along any highway or other road shall travel at the rate of three miles or more in the hour, shall, without regard to the form or construction thereof, be deemed and taken to be a stage carriage within the meaning of this Act; provided the passengers, or any one or more of them, thereby conveyed, shall be charged or shall pay separate and distinct fares or a separate and distinct fare, or shall be charged or pay at the rate of separate and distinct fares, for their respective places or seats or his place or seat therein or conveyance thereby; and in all proceedings at law or otherwise, and upon all occasions whatsoever, it shall be sufficient to describe any carriage used or employed as aforesaid by the term "stage carriage," without further or otherwise describing the same: Provided always, that the said term "stage carriage" shall not be deemed to extend to or to include any carriage used or employed as aforesaid wholly upon any railway, nor to any carriage drawn or impelled by the power of steam or otherwise than by animal power. [Rep., 32 & 33 Vict. c. 14. s. 39.]

Definition of  
a stage car-  
riage.

VI. AND be it enacted, that it shall not be lawful for any person to keep, use, or employ any stage carriage, . . . . . unless the several

Stage carriages  
not to be used  
without having

[\* So much and such part and parts of this Act as in any manner regulate or restrict the number of passengers allowed to be carried on the outside of any stage carriage, or regulate or relate to the distribution or placing of or the manner of carrying the outside passengers on any stage carriage, and also so much and such part as requires that a separate division or space shall be allotted for luggage on the top or roof of any stage carriage, rep., 3 & 4 Will. 4. c. 48. s. 1.

The duties payable under this Act, for or in respect of horses let for hire, and on licences to let horses for hire, and all clauses, provisions, and regulations for levying, collecting, and securing the said duties, but so far only as they relate to such duties, are rep., 16 & 17 Vict. c. 88. s. 1.]

painted thereon the particulars hereby required.

Carriages with particulars painted thereon to be deemed stage carriages.

Who shall be deemed to be the owner of any stage carriage.

Penalty for plying for hire with carriages not having plates thereon.

Offenders may be apprehended, and conveyed before a justice of the peace.

Particulars to be painted on stage carriages.

Penalty for neglecting to paint such particulars, 5l.

Certain stage carriages shall not take out-

particulars by this Act directed to be painted on every such carriage shall be painted thereon; anything in any other Act contained to the contrary thereof notwithstanding.

VII. AND be it enacted, that in any action, information, or other proceeding for the recovery of any duty or penalty incurred under this Act in respect of or with relation to any stage carriage, if evidence shall be given that the carriage in respect of which or in any manner relating to which any such action, information, or proceeding shall be commenced or prosecuted was seen travelling or going upon any highway or other road, . . . . . having painted upon such carriage any of the particulars required by this Act to be painted upon stage carriages, such carriage shall be deemed and taken to be a stage carriage; and such evidence as aforesaid shall be received as sufficient proof that such carriage was kept, used, and employed for the purpose of conveying passengers for hire as a stage carriage within the meaning of this Act, unless the contrary be proved; and that in all such actions, informations, and proceedings as aforesaid . . . . . the person whose name (if any) shall be painted on any such carriage, shall for the purposes of this Act (unless the contrary be proved) be deemed to be the person to whom such carriage doth belong.

XXX. AND be it enacted, that if any carriage, whether licensed as a stage carriage or not, shall be found upon or near to any public highway, and any person shall ply for passengers to be conveyed by such carriage for hire at separate fares, such carriage not having placed and fixed thereupon the numbered plates required by this Act to be fixed on stage carriages, the driver of such carriage, or the person having the care thereof or plying for passengers to be conveyed thereby, such driver or person not being the owner of such carriage, shall forfeit ten pounds, and if he shall be the owner of such carriage he shall forfeit twenty pounds; and moreover it shall be lawful for any constable or other peace officer, or any officer of stamp duties, without any warrant for that purpose, to apprehend such driver or other person having the care of such carriage or plying for passengers to be conveyed thereby, and to carry and convey him before any justice of the peace having jurisdiction where the offence shall be committed, to be dealt with as herein-after mentioned; [Rep., 32 & 33 Vict. c. 14. s. 39.] . . . . .

XXXVI. AND be it enacted, that no stage carriage shall be used or employed unless nor until there shall be truly painted in words at length, and in legible and conspicuous letters one inch at the least in height, and of a proper and proportionate breadth, and in a colour different from and opposite to the colour of the ground on which such letters shall be painted, upon some conspicuous part of each side of such carriage, and clear of the wheel or wheels thereof, so that the same shall be at all times plainly and distinctly visible and legible, the christian name and surname of the proprietor or of one of the proprietors of such carriage, . . . . .; and if any person shall use or employ any stage carriage upon which all such particulars as aforesaid shall not be truly painted in such legible and conspicuous letters and in manner aforesaid, or in case such particulars or any of them shall be partially obliterated or defaced from or upon any such carriage, then if any such person shall neglect to paint or cause to be painted again, in manner aforesaid, every particular so obliterated or defaced, such person so offending in any of the cases aforesaid shall forfeit five pounds.

XXXVII. AND be it enacted, that no outside passenger nor any luggage shall be carried on the top or roof of any stage carriage, the top or roof of

which from the ground shall be more than eight feet nine inches, or the bearing of which on the ground shall be less than four feet six inches from the centre of the track of the right or off wheel to the centre of the track of the left or near wheel; and if any outside passenger or luggage shall be carried on any such carriage in any manner contrary to the directions aforesaid, the driver of such carriage at the time when such offence shall be committed shall forfeit five pounds.

side passengers  
or luggage.

Penalty, 5*l*.

\* \* \* \* \*

**XLIII.** AND be it enacted, that no luggage which shall be carried on the top or roof of any stage carriage drawn by four or more horses shall in any case exceed ten feet and nine inches in height from the ground, nor shall any luggage which shall be carried on the top or roof of any stage carriage drawn by two or three horses only in any case exceed ten feet and three inches in height from the ground, measuring to the highest point of any part of such luggage when placed upon the top or roof of any such carriages respectively; and if any such luggage shall in either of the cases aforesaid exceed the height by this Act in that behalf limited, the driver of such carriage at the time when such offence shall be committed shall forfeit five pounds.

Luggage on  
the top of any  
stage carriage  
shall not ex-  
ceed the height  
herein speci-  
fied.

Penalty, 5*l*.

\* \* \* \* \*

**XLV.** AND be it enacted, that the proprietor of any stage carriage and the driver thereof shall, when thereunto respectively required by any justice of the peace, or by any constable, or any surveyor of any highway or turnpike road, or by any toll-gate keeper, or any officer of stamp duties, or by any passenger travelling with such carriage, permit and allow such carriage and the luggage thereon to be measured, and the number of passengers in, upon, or about such carriage to be counted; and it shall be lawful for any passenger to require the driver of any stage carriage to stop the same at any toll gate, and to require the toll-gate keeper at such gate to count the number of passengers upon the box, and in, upon, or about such carriage, and to measure and ascertain the height of the luggage thereupon, and to sign a memorandum in writing of the number of such passengers in the inside and on or about the outside of such carriage (distinguishing the number on the box) and of the height of such luggage, and to deliver such memorandum to the person so requiring the number of passengers to be counted or the height of the luggage to be measured; and the toll-gate keeper at every such gate shall provide and keep at such gate a proper measure for measuring the height of any stage carriage and of the luggage thereupon; and if any proprietor of any stage carriage, or the driver thereof, shall, when thereto respectively required as aforesaid, refuse to permit and allow such carriage and the luggage thereupon to be measured, or the number of inside or outside passengers to be counted, or if such driver shall, on being so required as aforesaid, refuse or neglect to stop such carriage at any toll gate for the purpose aforesaid, such proprietor or such driver so refusing or neglecting as aforesaid shall forfeit five pounds; and if any toll-gate keeper shall neglect to provide and keep at any such gate a proper measure for the purposes aforesaid, or shall, on being thereunto requested as aforesaid, refuse to count the number of such passengers, or to measure and ascertain the height of such luggage, or to sign a memorandum in writing of the number of such passengers or of the height of such luggage in manner herein-before directed, or to deliver such memorandum so signed to the person

Justices, road  
surveyors, toll  
collectors, &c.  
may require  
stage carriages  
and luggage  
to be measured,  
and the passen-  
gers to be  
counted.

Penalty on the  
proprietor or  
driver for  
refusal, 5*l*.

Penalty on toll-  
gate keeper  
neglecting to  
provide a mea-  
sure, or re-  
fusing to count  
passengers, or  
to measure  
luggage, &c.,  
5*l*.



entitled to require the same, or shall sign or give any memorandum in which any of the particulars aforesaid shall not be truly set forth, every such toll-gate keeper so offending shall forfeit five pounds: Provided always, that it shall not be lawful for any one passenger to require the driver of any stage carriage to stop the same for any such purpose as aforesaid more than once during any one journey, unless, after the counting of such passengers or the measuring of such luggage, any additional passenger or passengers shall be taken up into or upon such stage carriage, or additional luggage shall be placed on the top or roof thereof during the same journey.

\* \* \* \* \*

Penalty on driver quitting the box before a proper person shall stand at the horses heads, &c. ;

XLVII. AND be it enacted, that if the driver of any stage carriage drawn by three or more horses shall at any place where such carriage shall stop quit the box of such carriage, or the horses drawing the same, without delivering the reins into the hands of some fit and proper person, or before some fit and proper person shall be placed and shall stand at the heads of the horses or some of them belonging thereto, and shall have the command thereof; or if any person so placed and standing at the heads of such horses shall leave such horses before some other proper person shall be placed and stand in like manner and have the command of such horses, or before the driver of such stage carriage shall have returned and seated himself upon the box and taken the reins; or if the driver of any stage carriage shall permit any passenger or any person other than himself to drive the horses drawing such carriage; or if the driver of any stage carriage shall quit the box of such carriage without reasonable occasion, or for a longer time than such occasion shall absolutely require;

or permitting any person to drive, or quitting the box without reason;

on guard discharging fire-arms unnecessarily;

. . . . . or if any person travelling as guard to any stage carriage shall, whilst the horses are harnessed or in the act of being harnessed thereto, and whilst any passenger shall be in, upon, or about such carriage, discharge any fire-arms, except for the necessary defence of such carriage or of the passengers or luggage being in or about the same; or if the driver or conductor or guard of any stage carriage shall neglect to take due care of any luggage whatsoever carried or to be carried by such carriage; or if any such driver or conductor or guard shall demand or receive for the fare of any passenger more than the sum which such passenger shall be liable to pay, or more than the money properly chargeable for the carriage of any luggage; or if any such driver or conductor or guard shall, when thereto required, neglect or refuse faithfully to account to his employer for all monies received by him in respect of any passenger or any luggage which shall be carried by such carriage; or if any such driver or conductor or guard shall assault or use abusive or insulting language to any person travelling or about to travel or having travelled as a passenger with or by such carriage, or to any person accompanying or attending upon any such passenger in coming to or going from any such carriage; every such offender in any of the several cases aforesaid shall forfeit five pounds.

on driver or guard neglecting to take care of luggage, or asking more than the proper fare;

or neglecting to account to his employer;

or assaulting or using abusive language to any person.

Penalty on the driver or guard endangering passengers or property through intoxication, negligence, &c.

XLVIII. AND be it enacted, that if the driver or conductor or guard of any stage carriage, or any other person having the care thereof, or employed in, upon, or about such carriage, shall through intoxication or negligence, or by wanton and furious driving, or by or through any other misconduct, endanger the safety of any passenger or other person, or shall injure or endanger the

property of the owner or proprietor of such stage carriage or of any other person, every such person so offending shall forfeit five pounds.

XLIX. AND be it enacted, that whenever it shall happen that the driver or conductor or guard of any stage carriage shall have committed any offence against this Act for the commission whereof any penalty is by this Act imposed upon such driver or conductor or guard, and not upon the proprietor of such carriage, and such driver or conductor or guard shall not be known, or being known cannot be found, then the proprietor of such carriage shall be liable to every such penalty as if he had been the driver or conductor or guard of such carriage at the time when such offence was committed: Provided always, that if any such proprietor shall make out, to the satisfaction of the justice of the peace before whom any complaint or information shall be heard, by sufficient evidence not resting on his own testimony, that the offence was committed by such driver or conductor or guard without the privity or knowledge of such proprietor, and that no profit, advantage, or benefit, either directly or indirectly, has accrued or can accrue to such proprietor therefrom, and that he has used his endeavour to find out such driver or conductor or guard, and given all reasonable information in answer to inquiries respecting him, such justice shall discharge the proprietor from such penalty, and shall levy the same upon such driver or conductor or guard when found.

Owners to be liable for penalties in cases where driver or guard is not known or cannot be found;

but may be discharged in certain cases.

\* \* \* \* \*

CI. AND be it enacted, that all duties granted or imposed by or incurred under this Act may be sued for and recovered by all such ways and means and in such manner and form as are and is or at any time hereafter shall be provided by law for the recovery of any other duties granted or imposed by or incurred under any other Act relating to stamp duties, as well as by the particular ways and means provided by this Act; and [Rep., 32 & 33 Vict. c. 14. s. 39.] in all actions, bills, complaints, informations, and proceedings to be commenced, prosecuted, entered, or filed in the name of his Majesty or of any other person, for the recovery of any such duties or of any debts or penalties which may be incurred or become payable under this Act, it shall be lawful for his Majesty, or any other person legally entitled to sue or prosecute for the same, to have and recover such duties, debts, and penalties, with full costs of suit, and all other reasonable charges and expenses.

Duties recoverable as other stamp duties.

Duties and penalties recoverable with costs.

CII. AND be it enacted, that all pecuniary penalties imposed by or which may be incurred under this Act may be sued or prosecuted for in any of his Majesty's courts of record at Westminster for any offence committed in England, Wales, or Berwick-upon-Tweed, and in his Majesty's Court of Exchequer in Scotland for any offence committed in that part of Great Britain called Scotland, by action of debt, bill, complaint, or information, wherein no essoign, protection, or privilege, nor more than one imparlance, shall be allowed: Provided always that it shall not be lawful for any person to sue or prosecute for any such penalty in any of the courts aforesaid without having first obtained the consent in writing of two or more of the commissioners of stamps for that purpose, unless the action, suit, or prosecution for such penalty shall be carried on by the solicitor of stamps in England or Scotland respectively; and it shall be lawful for the said commissioners, if they shall think fit, to order the proceedings to be stayed in any such action, suit, or prosecution on payment of part only of any penalty incurred, with or without costs,

In what courts pecuniary penalties may be sued for.

Consent of the commissioners of stamps requisite to sue for penalties.

Commissioners may stay proceedings.

or on payment only of the costs incurred or any part thereof, or otherwise, as they shall judge proper and expedient.

Penalties not exceeding 20*l.* recoverable before a justice of the peace.

Mode of proceeding.

Appeal.

CIII. PROVIDED always, and be it enacted, that it shall be lawful for any justice of the peace having jurisdiction where the offence shall be committed to hear and determine any offence against this Act which may subject the offender to any pecuniary penalty not exceeding twenty pounds; and it shall be lawful for any such justice and he is hereby required, upon information given or complaint made before him, to summon the party accused, and also the witnesses on either side, to be and appear before the said justice or before any other justice of the peace at a time and place to be appointed for that purpose; and either on the appearance of the party accused, or in default thereof, it shall be lawful for such justice, or any other justice present at the time and place appointed for such appearance, to proceed to examine into the matter of fact, and upon due proof made thereof by voluntary confession of the party or by oath of one or more witness or witnesses, to give judgment for the penalty, and to award and issue out his warrant for the levying of any penalty so adjudged, together with the costs and expenses of such proceedings and also the costs and expenses of such warrant and of levying the same on the goods of the offender, and to cause sale to be made of such goods in case they shall not be redeemed within five days, rendering to the party the overplus, if any; and where goods of such offender cannot be found sufficient to answer the penalty and all such costs and expenses, it shall be lawful for such justice and he is hereby required to commit such offender to the common gaol or house of correction, there to remain for such term or period of time as is by this Act fixed or provided as the term of imprisonment for the particular offence of which such offender shall have been convicted; and in any case where no such term of imprisonment is or shall be so fixed or provided as aforesaid, then such justice is hereby required to commit such offender to the common gaol or house of correction, there to remain for any time not less than three calendar months and not exceeding six calendar months if the full penalty imposed by this Act for the offence of which such offender shall have been convicted shall amount to the sum of twenty pounds, and for any time not less than one calendar month and not exceeding three calendar months if such penalty shall not amount to twenty pounds, unless such penalty and all such costs and expenses shall be sooner paid and satisfied; and if the person convicted shall find himself aggrieved by the judgment of any such justice, it shall be lawful for such person to appeal against the same to the justices of the peace at the general or quarter sessions of the peace for the county or place, within which the offence shall be committed, which shall be held next after the expiration of ten days from the day on which such conviction shall have been made, of which appeal notice in writing shall be given to the prosecutor or informer seven clear days previous to the first day of such sessions; and such justices at such sessions are hereby authorized to examine witnesses upon oath, and finally to hear and determine such appeal; and in case the judgment of any such justice shall be affirmed, it shall be lawful for the justices at such sessions to award and order the person appealing to pay such costs occasioned by such appeal as to them shall seem meet: Provided always, that no person convicted before any such justice shall be entitled or permitted to appeal against such conviction in manner aforesaid,

unless within five days next after such conviction made he shall enter into a recognizance, with two sufficient sureties, before such justice, to enter and prosecute such appeal, and to pay the amount of the penalty and costs in which he shall have been convicted, and also to pay such further costs as shall be awarded in case such conviction shall be affirmed on the hearing of such appeal : Provided also, that no such proceedings so to be had or taken shall be quashed or vacated for want of form, or shall be removed by certiorari, suspension, advocacy, or reduction, or by any other writ or process, into any superior or other court of jurisdiction ; any law or usage to the contrary notwithstanding.

Proceedings  
not to be  
quashed for  
want of form,  
&c.

CIV. PROVIDED always, and be it enacted, that it shall not be lawful for any person, other than the solicitor of stamps, or some other officer of his Majesty's stamp duties in England or Scotland respectively, to inform or prosecute before any justice of the peace for the recovery of any penalty imposed by or incurred under this Act, except in the cases next herein-after mentioned ; (that is to say,) any penalty imposed or incurred with relation to horses let for hire or the duties thereon, and any penalty incurred by the driver of any stage carriage by reason of the carrying of a greater number of passengers in, upon, or about such stage carriage, than is or shall be allowed by this Act or by the licence relating to such stage carriage, and any penalty imposed or incurred by reason of the carrying of any outside passenger or any luggage on the roof or top of any stage carriage contrary in any manner to the directions of this Act, or by reason of any person sitting or being carried on any luggage, or upon that part of the roof of any stage carriage allotted for luggage, or by reason of more than one person besides the driver sitting or being carried upon the box of any stage carriage, or of refusing to permit or allow any stage carriage or luggage to be measured or the passengers to be counted, or refusing or neglecting to stop such carriage at any toll gate for that purpose, or by reason of any other offence which may subject to any penalty the driver or conductor or guard of any stage carriage, or any person employed to hold the horses, or having the care of or being employed in or about any stage carriage, or any toll-gate keeper, toll collector, constable, or peace officer, or by reason of any person summoned as a witness neglecting or refusing to attend or give evidence ; and if any person, other than such solicitor or officer as aforesaid, shall commence or prosecute any information or complaint before any justice of the peace for the recovery of any penalty imposed by or incurred under this Act, except in the several cases herein-before mentioned and allowed in that behalf, such information or complaint, and every proceeding thereupon had, shall be null and void to all intents and purposes : Provided always, that nothing herein contained shall extend to permit or allow any person, other than the solicitor or some other officer of stamp duties, to inform or prosecute for the recovery of any penalty imposed by or incurred under this Act by reason of the driver of any carriage or other person plying for passengers to be conveyed for hire by any carriage not having the proper numbered plates fixed thereon, unless the offender shall be apprehended and taken before a justice of the peace as authorized by this Act.

By whom  
penalties may  
be recovered  
before a justice  
of the peace.

CV. AND be it enacted, that it shall be lawful for any justice of the peace before whom any person shall be convicted of any offence against any of the

Justices may  
mitigate penal-  
ties.

provisions of this Act to mitigate as he shall see fit any penalty by this Act imposed in cases where such justice shall see cause so to do; provided that all reasonable costs and charges expended or incurred in prosecuting for such offence shall be always allowed over and above the sum to which such penalty shall be mitigated, and so as such mitigation do not reduce the penalty to less than one fourth of the penalty incurred, exclusive of such costs and charges; anything herein contained to the contrary notwithstanding.

Application of penalties.

CVI. AND be it enacted, that all pecuniary penalties imposed by or incurred under this Act which shall be sued or prosecuted for and recovered by or in the name of any person other than his Majesty's attorney general in England, or his Majesty's advocate for Scotland, of the solicitor of stamps or any other officer of stamp duties in England or Scotland respectively, shall respectively be distributed and divided in manner following; (that is to say,) one moiety thereof to his Majesty, and the other moiety thereof, with full costs of suit, to the person who shall inform and sue or prosecute for the same within fourteen days after the offence shall have been committed; and all such pecuniary penalties as aforesaid which shall be sued or prosecuted for and recovered by or in the name of his Majesty's said attorney general in England or advocate in Scotland, or by or in the name of such solicitor or officer as aforesaid, or for the recovery of which any information or complaint shall be made or any action or suit shall be commenced after the expiration of the time aforesaid, shall go and be applied to the use of his Majesty: Provided always, that it shall be lawful for the commissioners of stamps, at their discretion, to give all or any part of such penalties or shares of penalties belonging to his Majesty as rewards to any person or persons who shall have detected such offences or given information which may have led to the discovery thereof or to the conviction of the offenders.

Justices shall receive the crown's share of penalties, and pay the same to the clerk of the peace, to be remitted to the stamp office.

CVII. AND be it enacted, that every justice of the peace before whom any person shall be convicted of any offence against this Act shall take and receive the penalty or share of the penalty belonging to his Majesty levied or paid under or by virtue of such conviction; and every such justice shall pay or cause to be paid all such sums of money which he shall so take or receive as aforesaid, at the next general or quarter sessions of the peace after he shall have so taken or received the same, into the hands of the clerk of the peace or other such officer of the county or place within which such conviction shall have been made, who shall within ten days after his receipt thereof, and without fee or reward, pay or remit the same for the use of his Majesty to the solicitor of stamps at the stamp office in Westminster or Edinburgh, as the conviction shall happen to be in England or Scotland respectively, anything in any other Act contained to the contrary notwithstanding; and every such justice shall, within one week after every such payment made by him to any clerk of the peace or other such officer, transmit to such solicitor as aforesaid a schedule containing the name of the person so convicted, the nature of the offence, and the amount of the penalty of and in which he shall have been convicted, the date of such conviction, and the sum of money which shall have been paid under or by virtue thereof, together with the name of the clerk of the peace or other such officer to whom he shall have paid the same; and if any such justice shall neglect or omit to pay or cause to be paid to such clerk of the peace or other officer as aforesaid, at the time and in the manner herein-

Justices to send a schedule of each conviction to the stamp office.

Penalty on the justice or clerk of the peace for neglecting

before directed, any such penalty or share of penalty received by such justice as aforesaid, or upon payment thereof shall neglect or omit to transmit to the proper solicitor of stamps such schedule as aforesaid, or if any such clerk of the peace or other officer shall neglect or omit to pay or remit any such penalty or share of penalty to such solicitor of stamps as aforesaid, within the time and in manner herein-before limited and directed in that behalf, every person so offending shall forfeit fifty pounds.

CVIII. AND be it enacted, that if any proprietor of any stage carriage, or the driver or guard of any stage carriage, shall be summoned before any justice of the peace to answer any information or complaint exhibited or made against him by any person other than an officer of stamp duties touching or concerning any offence committed or alleged to have been committed by such proprietor, driver, or guard respectively against the provisions of this Act, and such information or complaint shall afterwards be withdrawn or quashed or dismissed, or if the defendant shall be acquitted of the offence charged against him, it shall be lawful for such justice to order and award that the informer or person exhibiting or making such information or complaint shall pay to the defendant such costs of making or preparing for his defence, and also such compensation for his loss of time and for the time of his witnesses (if any) in attending such justice touching or concerning such information or complaint, as to such justice shall seem reasonable; and in default of immediate payment of the sum so awarded it shall be lawful for such justice to cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, with such costs as aforesaid, cannot be found, it shall be lawful for such justice to commit such person to the common gaol or house of correction for any time not exceeding one calendar month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid and satisfied.

CIX. AND be it enacted, that any summons issued by any justice of the peace requiring any defendant or any witness or other person to appear before such justice or any other justice, with reference to any information, complaint, or other proceeding for the recovery of any duty or penalty under this Act, shall be deemed to be well and sufficiently served in case either the summons or a copy thereof be served personally upon any such person as aforesaid, or be left at his usual or last place of residence, or, in case such person be a proprietor, driver, conductor, or guard of any stage carriage, be left with the bookkeeper or person for the time being acting as bookkeeper for such stage carriage in any town or place from, into, or through which such carriage shall go or be driven nearest to the place where any such offence shall be committed; and any notice by this Act required to be given to the proprietor of any stage carriage or to any other person shall be deemed to be well and sufficiently served in case either such notice or a copy thereof be served personally upon such proprietor or other person, or be left at his usual or last place of residence, (or in the case of such proprietor) be left with any bookkeeper or person acting as bookkeeper at any office belonging to such proprietor.

CX. AND be it enacted, that if any constable or other peace officer shall refuse or neglect to serve or execute any summons, warrant, or order granted issued, or made by any justice of the peace, or by any two of the commissioners

to pay over the penalties received, &c., 50l.

Justices may award costs and compensation to defendants where informations or complaints are withdrawn or dismissed in certain cases.

Payment may be enforced by distress and imprisonment.

Service of the justices summonses and other notices.

Penalty on constables refusing to serve a summons, warrant, &c., 10l.

of stamps, pursuant to any of the provisions of this Act, every such constable or peace officer so offending shall forfeit ten pounds.

Penalty on witnesses neglecting to attend or refusing to give evidence, 10*l*.

CXI. AND be it enacted, that if any person who shall be summoned as a witness to give evidence before any justice of the peace or before any justices at sessions touching the matters alleged in or relating to any information, complaint, appeal, or other proceeding depending before such justice or justices for the recovery of any duty or penalty incurred under this Act, shall neglect or refuse to appear before such justice or justices, at the time and place to be for that purpose appointed, without a reasonable excuse for such neglect or refusal, to be allowed by such justice or justices, or if any person so summoned shall appear, but shall refuse to be examined and give evidence before such justice or justices touching the matters aforesaid, every such person so offending shall forfeit ten pounds.

\* \* \* \* \*

Proceedings to be drawn up according to the forms in schedule (B.)

CXIII. AND be it enacted, that every complaint, information, summons, conviction, warrant of distress, or commitment, or other such proceeding, which shall be had or taken for the recovery of any duty or penalty under the provisions of this Act, may be drawn or made out according to the several forms contained in the Schedule (B.) hereunto annexed, or to the effect thereof, mutatis mutandis, as the case shall require; and every such complaint, information, summons, conviction, warrant, or other such proceeding, which shall be so drawn or made out, shall be good and effectual to all intents and purposes whatsoever, without stating the case or the facts or evidence in any more particular manner than is required in and by such forms respectively.

Carriages, horses, harness, &c. chargeable with the duties and penalties incurred.

CXIV. AND be it enacted, that all the carriages, horses, and harness, and other articles and things kept, used, or employed by any person whether licensed under the authority of this Act or not, for the purpose of conveying passengers for hire, or for the purpose of being let for hire, as aforesaid, shall be subject and liable to and chargeable with all the duties in arrear and owing or which shall become due and payable from time to time from or by such person for or in respect of any stage carriage kept, used, or employed by such person, or for or in respect of any horse let for hire by any such person, and to and with all penalties which may be imposed upon or incurred by such person under this Act, and also to and with the costs and expenses of all proceedings which shall or may be had or taken for the recovery of such duties and penalties respectively; and all such carriages, horses, harness, and other articles and things shall, for the purpose of satisfying such duties, penalties, costs, and expenses, or any part thereof respectively, be deemed to be the goods and chattels of such person, and shall be distrained or otherwise seized or taken accordingly, in or into whose custody or possession soever the same shall or may be or come, and by or under what right or title soever the same shall or may be held or claimed; and in case any person in or into whose custody or possession any such carriages, horses, harness, or other articles shall be or come by or under any means or title whatsoever, shall convert the same to his own use, or shall sell or dispose thereof for the use or benefit of any other person, after notice given by the commissioners of stamps or their solicitor, or by any person authorized to collect or receive the duties by this Act granted, or any of them, that such carriages, horses, harness, and other articles are subject and liable to or chargeable with any of the duties, penalties, costs,

Persons selling or disposing of such carriages, &c. after notice of such charge, to be liable to extent of the value thereof.

and expenses aforesaid, every person so converting or selling or disposing of such carriages, horses, harness, or other articles, shall be accountable to his Majesty, to the extent of the value of such carriages, horses, harness, or other articles, for the amount of the duties, penalties, costs, and expenses, to or with which such carriages, horses, harness, and other articles shall be subject, liable, or chargeable, and the same may be sued for and recovered under and by virtue of this Act as a debt due to his Majesty accordingly.

CXV. AND be it enacted, that in all cases where any goods or chattels distrained or otherwise seized or taken under any of the provisions of this Act are directed to be sold, the same shall be sold by public auction, and notice of the time and place of such sale shall be given to the owner of such goods or chattels, or left at his last known place of abode, three days at least prior to such sale: Provided always, that if the owner of any such goods or chattels shall give his consent in writing to the sale thereof at an earlier period than is by this Act or shall be by any such notice appointed for such sale, or in any other manner than is by this Act directed, it shall be lawful to sell such goods or chattels according to such consent; provided also, that if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the person who by any warrant or other process shall be directed or authorized to cause such goods or chattels to be sold the sum which he shall by such warrant or process be directed to levy or raise by sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such goods or chattels shall be made.

In what manner goods distrained under this Act shall be sold.

CXVI. AND be it enacted, that all actions and prosecutions which shall be brought or commenced against any person for anything done in pursuance or under the authority of this Act shall be commenced and prosecuted within three calendar months next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of action shall arise, and not elsewhere; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in such action may plead the general issue, and give this Act and any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to arise from any matter or thing done in pursuance and by the authority of this Act, or if any such action shall be brought after the expiration of such three calendar months, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such action commenced by or on behalf of the defendant, the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if on demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as any defendant may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial

Limitation of actions.

Venue.

Notice of action.

General issue.

Tender of amends.

Costs.



shall be had shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon.

Construction  
of the terms  
used in this  
Act.

CXVII. AND in order to avoid the frequent use of divers terms and expressions in this Act, and to prevent any misconstruction of the terms and expressions used therein, be it enacted, that wherever in this Act, with reference to any person, matter, or thing, any word or words is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood to include several persons as well as one person, females as well as males, bodies politic or corporate as well as individuals, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and that wherever the terms and expressions following occur in this Act they shall be construed respectively in the manner herein-after directed;

"His Majesty." (that is to say,) that the term and expression "his Majesty" shall be construed to mean and include his Majesty, his heirs and successors; that the term

"Officer of stamp duties." "officer of stamp duties" shall be construed to mean any officer deputed or appointed by the commissioners of stamps, whatever may be his particular office or employment; that the term "proprietor," used with reference to any stage carriage, shall be construed to mean and include any and every person who shall keep, use, or employ such stage carriage, or who shall be concerned in the keeping, using, or employing thereof; that the term "licensed postmaster" shall be construed to mean and include any and every person, male or female, licensed to let horses for hire under the authority of this Act; that

"Horse." the term "horse" or "horses" shall respectively be construed to mean and include any mare or gelding or mares or geldings, as well as any horse or

"Horses." horses; that the term "toll gate" shall be construed to mean any gate or bar at which any toll is payable or any ticket is receivable for any horse or carriage; that the term "toll-gate keeper" shall be construed to mean and include the keeper of any such gate or bar as aforesaid, or the collector of tolls thereat, or any person acting as such keeper or collector respectively; that the

"Toll gate." term "driver," used with reference to any stage carriage, shall be construed to mean the coachman, driver, or director thereof; and that the term "luggage" shall be construed to mean any trunk, box, bale, parcel, package, corn, or other article, whether such trunk, box, bale, parcel, package, corn, or other article shall or shall not belong to any passenger conveyed by any such stage carriage.

\* \* \* \* \*

#### SCHEDULES to which this Act refers.

\* \* \* \* \*

SCHEDULE (B.) containing the FORMS of PROCEEDINGS for the RECOVERY of DUTIES and PENALTIES under this Act.

. . . . .

No. 6.

**FORM of an INFORMATION for the RECOVERY of a PENALTY under this Act.**

County [or as  
the case may be] } BE it remembered, that on the day of  
of in the year of our Lord at in the  
to wit. of A.B. of, &c. [or A.B., an officer of  
stamp duties, or a collector or farmer of the duty on horses let for hire, as the  
- case may be,] cometh before me C.D. esquire, one of his Majesty's justices of  
the peace for the said and informeth me, the said justice, that E.O.  
of heretofore, to wit, on the day of in the  
year of our Lord at in the said did [here  
state the offence], contrary to the form of the statute in such case made and  
provided, whereby the said E.O. hath forfeited for his said offence the sum  
of .

Taken and received by me the day }  
and year first above written. }

No. 7.

**FORM of a SUMMONS on the foregoing Information.**

To E.O. of, &c.

County [or as  
the case may be]  
of } WHEREAS an information hath been exhibited before me  
to wit. } C.D. esquire, one of her Majesty's justices of the peace for  
the of charging that you, the above-  
named E.O., on the day of at did [here state  
the substance of the charge] whereby you have forfeited the sum of :  
These are therefore to require you personally to be and appear before me the  
said justice, or before such other of his Majesty's justices of the peace for the  
said as shall be then present, at on the day  
of at the hour of in the noon of the same day,  
then and there to answer the same information and to make your defence  
thereto ; and if you fail to appear accordingly such proceedings will be taken  
as if you had personally appeared and had not made any defence to the said  
charge.

Given under my hand and seal this                      day of

## No. 8.

**FORM of a CONVICTION on the foregoing Information.**

County [or as  
the case may be]  
of } BE it remembered, that on the                      day of  
to wit. } at                      C.D. of, &c. was duly convicted before me  
one of his Majesty's justices of the peace for  
in pursuance of an Act passed in the third year of the reign of  
his present Majesty King William the Fourth, intituled " An Act," &c. [title  
of this Act], for that the said C.D. on the                      day of                      did  
[here state the offence as the case may happen to be], contrary to the form of  
the statute in that case made and provided ; for which offence I do adjudge  
that the said C.D. hath forfeited the sum of                      and [if the justice  
mitigate the penalty] which sum of                      I do hereby mitigate to the

sum of \_\_\_\_\_ over and above the sum of \_\_\_\_\_ for the costs and  
charges of E.F. the informer in prosecuting this conviction.  
Given under my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_ .

## No. 9.

## FORM of a WARRANT of DISTRESS founded on the foregoing Conviction.

To the constable of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
County [or as  
the case may be] } WHEREAS E.O. of, &c. has been duly convicted of a certain  
of \_\_\_\_\_ } offence, for that [here state the offence, as in the conviction],  
to wit. } whereby he hath forfeited the sum of \_\_\_\_\_ [and, in case  
of mitigation, which hath been mitigated to the sum of \_\_\_\_\_], over and  
above the reasonable costs and charges of the informer, allowed and assessed  
at the sum of \_\_\_\_\_ : Therefore I command you to levy the said sum  
of \_\_\_\_\_ and also the said sum of \_\_\_\_\_ for the costs and charges  
aforesaid, making together the sum of \_\_\_\_\_ by distraining the goods  
and chattels of the said E.O., and by seizing and taking all or any of the car-  
riages, horses, harness, and other things made subject and liable by the statute  
in that behalf to be seized and taken, to satisfy the penalty, costs, and charges  
aforesaid ; and if within the space of five days next after such distress taken  
the said sum of \_\_\_\_\_ together with the reasonable costs and charges  
of taking and keeping such distress, shall not be paid, then I order and direct  
that you shall sell and dispose of the said goods and chattels which shall be  
so distrained, seized, and taken as aforesaid, and shall levy and raise thereout  
the said sum of \_\_\_\_\_ and all reasonable costs and charges of taking  
and keeping and selling such distress, rendering the overplus, if any, to the  
owner of the said goods and chattels ; and you are to certify to me what you  
shall have done by virtue of this my warrant. Given under my hand and  
seal the \_\_\_\_\_ day of \_\_\_\_\_ .

(Signed)

One of his Majesty's justices of the peace for  
the said \_\_\_\_\_ of \_\_\_\_\_ .

## No. 10.

FORM of a WARRANT of COMMITMENT for Want of a sufficient Distress,  
founded on the foregoing Conviction.

To the constable of \_\_\_\_\_ and to the keeper of the common gaol  
[or house of correction] at \_\_\_\_\_ in the said \_\_\_\_\_  
County [or as  
the case may be] } WHEREAS E.O. of, &c. has been duly convicted of a certain  
of \_\_\_\_\_ } offence, for that [here state the offence as in the conviction],  
to wit. } whereby he hath forfeited the sum of \_\_\_\_\_ [and, in case  
of mitigation, which hath been mitigated to the sum of \_\_\_\_\_], over and  
above the reasonable costs and charges of the informer, allowed and assessed  
at the sum of \_\_\_\_\_ making together the sum of \_\_\_\_\_ : And  
whereas it has been duly made to appear to me that no sufficient distress can  
be found whereon to levy the said sum of \_\_\_\_\_ : Therefore I command  
you the constable of \_\_\_\_\_ to apprehend and take the said E.O., and

safely to convey him to the common gaol [or house of correction] at  
 in the                      of                      and there to deliver him to the keeper thereof,  
 together with this warrant: And I do hereby command you, the said keeper,  
 to receive into your custody in the said gaol [or house of correction] him the  
 said E.O., and him therein safely to keep for the space of                      unless  
 the said sum of                      shall be sooner paid.

Given under my hand and seal the                      day of

(Signed)

One of his Majesty's justices of the peace for  
 the said                      of

### CHAPTER CXXIII.

AN ACT for abolishing the Punishment of Death in certain Cases of Forgery. [†]  
 [16th August 1832.]

**W**HEREAS by an Act passed in the first year of his present Majesty's  
 reign, intituled "An Act for reducing into one Act all such forgeries as  
 " shall hereafter be punished with death, and for otherwise amending the  
 " laws relative to forgery," it was provided, that if any person should after  
 the commencement of that Act be convicted of any forgery or other offence  
 therein named or described, for which he would at the time of the passing of  
 that Act have been liable to the punishment of death, he should not suffer  
 death for the same, unless the same should be made punishable with death by  
 that Act: And whereas by the law and practice now prevailing in Scotland  
 and in Ireland the penalty of death may be awarded, in certain cases, for  
 forgery, for uttering counterfeit instruments, and for false personation: And  
 whereas it is expedient to abolish the punishment of death for offences of that  
 nature, except so far as relates to wills and certain powers of attorney, as  
 herein-after mentioned: Be it therefore enacted by the King's most excellent  
 Majesty, by and with the advice and consent of the lords spiritual and tem-  
 poral, and commons, in this present Parliament assembled, and by the authority  
 of the same, that where any person shall after the passing of this Act be con-  
 victed of any offence whatsoever for which the said Act enjoins or authorizes  
 the infliction of the punishment of death, or where any person shall after the  
 passing of this Act be convicted in Scotland or Ireland of any offence now  
 punishable with death, which offence shall consist wholly or in part of forging  
 or altering any writing, instrument, matter, or thing whatsoever, or of offering,  
 uttering, or disposing of any writing, instrument, matter, or thing whatsoever,  
 knowing the same to be forged or altered, or of falsely personating another,  
 then and in each of the cases aforesaid the person so convicted of any such  
 offence as aforesaid, or of procuring or aiding or assisting in the commission  
 thereof, shall not suffer death, or have sentence of death awarded against him,  
 but shall be transported beyond the seas for the term of such offender's life.

11 Geo. 4. &  
 1 Will. 4. c. 66.

Persons here-  
 after convicted  
 of any forgery,  
 &c. punishable  
 with death,  
 shall not suffer  
 death, but  
 shall be trans-  
 ported for life.

\* \* \* \* \*

[† So much of this Act as relates to the punishment of persons convicted of offences  
 for which they are liable under this Act to be transported for life, rep., 7 Will. 4. &  
 1 Vict. c. 84. s. 2.

The whole Act is rep., except as to Scotland, 24 & 25 Vict. c. 95. s. 1.]

It shall not be necessary to set forth copy or fac-simile of forged instrument in indictment.

III. AND in order to prevent justice from being defeated by clerical or verbal inaccuracies, be it enacted, that in all informations or indictments for forging or in any manner uttering any instrument or writing, it shall not be necessary to set forth any copy or fac-simile thereof, but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing the same; any law or custom to the contrary notwithstanding.

#### CHAPTER CXXIV.

AN ACT to explain certain Provisions in Local Acts of Parliament relating to Double Toll on Turnpike Roads. [16th August 1832.]

WHEREAS divers local Acts now in force for making, repairing, and improving turnpike roads in that part of Great Britain called England, authorize tolls to be collected and taken at certain toll gates and turnpike gates erected upon or on the sides of such turnpike roads, for or in respect of waggons, carts, and carriages, or the horse or horses or other beast or beasts drawing the same, passing through the said toll gates and turnpike gates: And whereas many of the said Acts authorize double toll to be taken at such toll gates or turnpike gates at particular periods of the year, for or in respect of waggons, carts, or carriages laden with several heavy goods and articles therein respectively specified, or for or in respect of the horse or horses or other beast or beasts drawing the same, passing through the said gates: And whereas doubts have arisen as to the construction of the said provisions relative to double toll; and in many cases treble tolls have been demanded and taken for carriages and horses, liable in the first instance to single toll only, passing through the said gates, but which have afterwards repassed on the same day laden with such articles as rendered them liable to double toll, in which case double toll has been demanded and paid on such repassing: Be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in every case in which by virtue or under the authority of any local Act now or hereafter to be made, for making, repairing, or improving any turnpike road in that part of Great Britain called England, double toll as aforesaid shall be imposed on any waggon, cart, or other carriage, or any horse or horses or other beast or beasts drawing the same, which at the time of first passing through any turnpike gate or toll gate shall have been liable to and shall have paid single toll only, shall, on repassing through the same turnpike gate or toll gate on the same day, before twelve of the clock at night, so laden as to be subject to double toll, be liable to pay one other single toll only and no more, making, together with the toll first paid, two single tolls in the whole; any thing in any local Act or Acts to the contrary in anywise notwithstanding.

Waggons, carts, &c. having passed through a turnpike gate and paid single toll thereat, on returning on the same day so laden as to be subject to double toll, shall be liable to pay only one more single toll.

Provision respecting penalty for overweight.

II. PROVIDED also, and be it further enacted, that henceforth, notwithstanding any provision to the contrary, any waggon on which a penalty for overweight has been levied shall, on receipt of a ticket to that effect, be exempted from any further penalty for overweight on that day and on the same trust, provided there be no alteration of the loading of such waggon.

## CHAPTER CXXV.

AN ACT for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount, for the Purposes and in the Manner therein mentioned ; and for giving Relief to Trinidad, British Guiana, and St. Lucie.

[16th August 1832.]

Most gracious Majesty,

**W**HEREAS in consideration of the heavy losses which have been sustained in the islands of Jamaica, Barbadoes, Saint Vincents, and Saint Lucie, in consequence of the late insurrections in the island of Jamaica, and of hurricanes in the other islands, it is expedient that your Majesty be enabled to direct Exchequer bills to the amount of one million to be issued to commissioners, to be by them advanced, under certain regulations and restrictions, for the assistance and accommodation of the said islands, and of such persons having properties therein and connected therewith, or trading thereto, as shall be desirous of receiving the same, on due security being given for the repayment of the sums so advanced within a time to be limited : And whereas it is also expedient to grant relief in certain cases to his Majesty's colonies of Trinidad, British Guiana, and Saint Lucie : May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the King's most excellent Majesty, by warrant or warrants under his royal sign manual, to authorize and empower the commissioners of his Majesty's Treasury now or for the time being, or any three or more of them, or the lord high treasurer for the time being, to cause or direct any number of Exchequer bills to be made out for the purposes of this Act at his Majesty's Exchequer, containing different sums of one hundred pounds and fifty pounds, in the same or like manner, form, and order, and according to the same or like rules and directions (except where other directions for making out the same are contained and particularly expressed in this Act), as in and by an Act passed in the forty-eighth year of the reign of his late Majesty King George the Third, intituled "An Act for regulating the issuing and paying off of Exchequer bills," are enacted and prescribed ; and such Exchequer bills shall bear an interest not exceeding the rate of two-pence per centum per diem. [Rep., Stat. Law Rev. Act, 1874.]

His Majesty may empower the Treasury to direct Exchequer bills for 1,000,000*l.* to be made out.

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V. AND be it further enacted, that Henry Berens, John L. Wodehouse, Thomas Jones Howell, John Labouchere, and James Morris, esquires, shall be and are hereby constituted commissioners for advancing and lending Exchequer bills, under the provisions of this Act, upon the securities, and under the terms and conditions, and subject to the regulations in this Act mentioned : Provided always, that in case of the death or refusal or incapacity to act of any of the commissioners for the execution of this Act, whereby the number of such commissioners shall be reduced below five, it shall and may be lawful for the commissioners of his Majesty's Treasury, or any three or more of them, or the lord high treasurer for the time being in Great Britain, to appoint some other person or persons to be commissioner or commissioners to act in the execution of this Act, so that the number of the said commissioners for the time being may always amount to five.

Commissioners appointed.

Appointment of other commissioners in case of vacancy.

VI. AND be it further enacted, that any two of the said commissioners named in and constituted by this Act, before that they shall enter upon the execution of this Act, shall take an oath before the chancellor of the Exchequer or the master of the rolls for the time being in Great Britain, which oath the

Commissioners to take the following oath.

said chancellor and master of the rolls are and is hereby respectively authorized and required to administer, the tenor whereof shall be as followeth; (that is to say,)

' I A. B. do swear, that according to the best of my judgment I will faithfully and impartially execute the several powers and trusts vested in me by an Act, intituled "An Act [here set forth the title of this Act]," according to the tenor and purport of the said Act.'

And every other of such commissioners respectively shall likewise take the same oath before such two commissioners, who are hereby authorized and required to administer the said oath after they shall themselves have taken the same as aforesaid.

Commissioners may meet, and under sanction of the Treasury, appoint officers, allow salaries, and administer oaths to them.

VII. AND be it further enacted, that the said commissioners may meet and sit from time to time in such place or places as they shall find most convenient with or without adjournment, and, with the consent and approbation of the commissioners of the Treasury for the time being, or any three or more of them, in writing, employ a secretary and clerks, brokers, messengers, and officers, and allow to such secretary, clerks, brokers, messengers, and officers, with the like consent and approbation, reasonable salaries; and may employ a solicitor, and allow to such solicitor a reasonable salary or reward; and shall and may give and administer to such solicitor, secretary, clerks, brokers, and officers respectively an oath for their faithful demeanor in all things relating to the due performance of the trusts reposed in them by the said commissioners, and in all other things touching the premises, and from time to time, at their discretion, dismiss and discharge such solicitor, secretary, clerks, brokers, messengers, and other officers, and appoint others in their place; and the said solicitor, secretary, clerks, brokers, and other officers are hereby required faithfully to execute and perform the said trusts in them severally and respectively reposed, without taking any thing for such service other than such salaries or rewards as the said commissioners, with such approbation as aforesaid, shall direct or appoint in manner aforesaid.

Three commissioners may act.

VIII. AND be it further enacted, that all acts, matters, and things, which the said commissioners for the execution of this Act are by this Act authorized to do or execute, may be done and executed by any three or more of such commissioners.

Appointment of commissioners in the different West Indian islands in aid of commissioners herein appointed.

IX. AND whereas it may be necessary that commissioners should be appointed to act in aid of and under the directions of the commissioners appointed by this Act in the said islands: Be it therefore enacted, that the governors and lieutenant governors and attorney generals of the said islands respectively shall, with any two resident inhabitants for each of such islands, to be nominated by the governor, or, in his absence, the lieutenant governor or person exercising the functions of governor respectively, be commissioners for the island to which they respectively belong, to act, in aid of the commissioners under this Act, in all such cases and in relation to all matters and things which shall be referred to them by the commissioners named in this Act, and for all such purposes shall have and use and exercise all the powers and authorities of commissioners under this Act; and such commissioners shall take an oath, to be administered to the governor or lieutenant governor, or person exercising the functions of governor, by the chief justice or any judge of the said islands respectively, and to the other commissioners by the

governor, lieutenant governor, or person acting as such, that they will well and truly and impartially execute the powers and authorities given to them as such commissioners in the several matters and things which shall be referred or submitted to them under the provisions of this Act.

X. AND be it further enacted, that five hundred thousand pounds of the said Exchequer bills shall be appropriated to the island of Jamaica; and two hundred thousand pounds of the said Exchequer bills (part of the said sum of five hundred thousand pounds) may, if required, be advanced to the commissioners appointed by any Act of the governor, council, and assembly of the said island of Jamaica, passed or to be passed, to inspect the books of the receiver general of the said island, and adjust the public accounts thereof, who may be authorized and empowered by that or any other Act passed or to be passed by the said governor, council, and assembly, to borrow money for the public service of the said island on the credit of the said island: Provided always, that the said commissioners acting in the execution of this Act shall be satisfied that the repayment of the principal and interest of the said sum of two hundred thousand pounds, or so much thereof as the said commissioners may apply for and be authorized to borrow, is duly secured by some Act passed or to be passed by the governor, council, and assembly of the said island; and the three hundred thousand pounds, the residue of the said sum of five hundred thousand pounds, shall be advanced and lent for the purpose of enabling the owners of and persons interested in the estates which have sustained injury in Jamaica from insurrection to resume the cultivation of such estates and the manufacture of the produce thereof, by restoring works and machinery destroyed or injured, and providing the requisite contingencies and supplies for such estates and the negroes belonging thereto, and restoring, as far as the same can be accomplished, such estates to the condition in which the same were before the said injuries were sustained. [Rep., Stat. Law Rev. Act, 1874.]

500,000*l.* of the Exchequer bills to be appropriated to the island of Jamaica;

XI. PROVIDED always, and be it further enacted, that the remaining five hundred thousand pounds of the said Exchequer bills shall be appropriated to the islands of Barbadoes, Saint Vincents, and Saint Lucie, in such shares and proportions as the said commissioners acting in the execution of this Act shall direct; and that of the said shares and proportions allotted to the said islands of Barbadoes and Saint Vincents, it shall and may be lawful for the said commissioners to advance such part thereof as they may deem right to such persons as may be duly authorized and appointed, by any Acts passed or to be passed by the legislatures of the said islands of Barbadoes and Saint Vincents respectively, to borrow the same for the public service and on the credit of the same islands respectively, on the said commissioners acting in the execution of this Act being satisfied that the same sums are duly secured by some Acts passed or to be passed by the legislatures of the same islands respectively; and that the residue of the said shares and proportions so allotted to the said islands of Barbadoes and Saint Vincents, and also the share or proportion allotted to the said island of Saint Lucie, shall be advanced and lent for the purpose of enabling the owners of and persons interested in the estates which have sustained injury in the said islands from hurricanes to resume the cultivation of such estates and the manufacture of the produce thereof, by restoring works and machinery destroyed or injured, and providing the requisite contingencies and supplies for such estates and the negroes belonging thereto, and restoring, as far as the same can be accomplished, such estates to the condition in which the same were before the said injuries were sustained. [Rep., Stat. Law Rev. Act, 1874.]

and 500,000*l.* to the islands of Barbadoes, St. Vincents, and St. Lucie, in such proportions as the commissioners shall allot to the several islands, &c.

\* \* \* \* \*

XIII. AND be it further enacted, that the lords commissioners of the Treasury, or any three or more of them, or the lord high treasurer for the time being, are hereby respectively authorized and required to issue and cause to be advanced all such sums of money to such person or persons, in such manner and in such proportions as the said commissioners appointed by this Act shall by writing under their hands from time to time desire, out of the consolidated fund, to be replaced in the manner herein-after mentioned; which sums so to be issued and advanced shall be employed for the payment of allowances, and in defraying all other necessary charges and expences in or about the execution

Treasury to issue money for defraying the charges of executing this Act, of which an account shall be laid before Parliament.



of this Act, without other account than that before the lords commissioners of his Majesty's Treasury, and which money so to be issued shall not be subject to any tax, duty, rate, or assessment whatsoever imposed by authority of Parliament; but that an account of the said charges and expences shall be laid before both houses of Parliament within two months after the expiration of the commission if Parliament shall be then sitting, and if Parliament shall not be sitting, then within fourteen days after the commencement of the then next session of Parliament.

Commissioners to meet to receive and consider applications for the loan of Exchequer bills, and ascertain the amount immediately wanted.

XIV. AND be it further enacted, that after this Act shall have received the royal assent the said commissioners who shall have taken the said oath as aforesaid shall meet to receive or to appoint a proper person for receiving all such applications in writing as shall be made to them from persons desirous of obtaining loans and advances of money by Exchequer bills as aforesaid, and shall also then fix and appoint a day for taking into their consideration all such applications, and shall meet together for that purpose, and shall proceed with all convenient dispatch to ascertain the amount of the sums in Exchequer bills which in their judgment will be immediately requisite to be advanced under this Act in pursuance of applications then delivered. [Rep., Stat. Law Rev. Act, 1874.]

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Commissioners shall appoint days for considering applications from time to time made, and the Treasury may direct further bills to be issued, &c.

XX. AND be it further enacted, that the said commissioners for the execution of this Act shall fix and appoint proper and convenient days for taking into consideration such applications as shall from time to time be made to them, not being in any case less than the sum of five hundred pounds as aforesaid, and shall ascertain the amount of such Exchequer bills as shall be required to be from time to time issued for the purposes of this Act, and by like certificate or certificates as aforesaid certify the same to the lords commissioners of his Majesty's Treasury or the lord high treasurer for the time being, who shall and may on the receipt thereof direct further Exchequer bills to be issued to such amount from time to time as the exigency of the case shall in their judgment require to be issued, until the whole of the bills to be made out in pursuance of this Act shall have been issued for the purposes aforesaid; and the said commissioners by this Act appointed shall from time to time proceed to determine to what amount such Exchequer bills shall be advanced to the persons respectively applying for the same under this Act, and shall grant certificates thereof to the proper officer or officers, at the said receipt of the Exchequer, in such form and under the like rules and regulations as are hereinbefore mentioned concerning the Exchequer bills to be first issued as aforesaid; and such officers shall from time to time deliver such Exchequer bills in the form and in the manner before directed. [Rep., Stat. Law Rev. Act, 1874.]

Persons to whom bills are advanced shall give security for repayment of advances by mortgages and bonds if required.

XXI. AND be it further enacted, that the persons to whom or for whose use any such sums in Exchequer bills shall be applied for, and advanced or lent, shall previously enter into and give such mortgages of or upon, or assignments or other securities of or upon, the properties for which the advances shall be applied for, or of or upon the proceeds of such properties, as the said commissioners shall require; and in case the commissioners shall not think such properties or proceeds, and the mortgages, assignments, or other securities which the parties applying are able to enter into as to such properties and the proceeds thereof, a sufficient security for the advance applied for, then with such bond or obligation, bonds or obligations, in such sum or sums of money respectively, and with such sureties or such further securities as the case may in the judgment of the said commissioners require; which mortgages, assignments, securities, and which bonds or obligations and securities, the said commissioners shall in their discretion have full power and authority to cause to be taken; and every mortgage, assignment, security, bond, or obligation to be taken in pursuance of this Act, as well of the principal party as of such sureties respectively, shall be to our sovereign lord the King in such sum or sums of money as shall be directed by such commissioners by virtue of this Act to be paid to

our said lord the King, and with such conditions, to be therein mentioned or thereunder written, as by such commissioners shall be deemed proper; and that all such mortgages, assignments, securities, bonds, and obligations to be so made shall be good and effectual in the law, and shall be of the same quality, force, and effect to all intents and purposes, as any obligation made to our sovereign lord the now King or his predecessors, or any of them, hath at any time heretofore been or now is adjudged, received, or taken to be, and shall, whether registered or not in the said islands, have priority over all other mortgages, assignments, bonds, obligations, or other securities charged or chargeable upon or affecting the properties for the restoration of which advances of Exchequer bills under this Act shall be made; any law, usage, or custom in the United Kingdom, or in the islands respectively in which such properties shall be, to the contrary notwithstanding: Provided always, that no bond, obligation, or other security shall be required by the said commissioners in respect of advances for the restoration of any properties in any case in which the said commissioners shall be satisfied that the value of those properties, with the negroes and the proceeds thereof, form an adequate security of themselves for the repayment of the principal and interest of the advance applied for.

XXII. AND be it further enacted, that in case any persons to whom or for whose use any advance shall be applied for under this Act shall be entitled to an estate for life only, or other partial interest, of and in the properties in respect of which such advance is required to be made, with any subsequent remainders, reversions, or limitations in favour of other persons existing in or affecting the same properties, the said commissioners shall, in their discretion, have full power and authority to cause any mortgages, assignments, securities, bonds, or obligations of and from such persons so partially interested to be taken, notwithstanding such remainders, reversions, or limitations cannot be legally barred, conveyed, or disposed of; and such mortgages, assignments, or other securities of or upon such properties shall be good and effectual in the law to all intents and purposes, and shall have priority over all such remainders, reversions, or limitations.

Commissioners may take security by mortgage, &c. from persons having partial interests in estates.

Such securities shall have priority over estates in remainder, &c.

XXIII. AND be it further enacted, that in case any of the parties, proprietors of in the whole or in part or interested in any properties for or in respect of which any advance may be applied for under this Act, and who may be required to give or join in giving security to the said commissioners for any such advance, be an infant or a feme covert or lunatic, or in case the properties shall be in the possession of any receiver or receivers or other officer appointed by any Court of Chancery or any other court in the said islands, it shall be lawful for the High Court of Chancery in England where the party is resident in Great Britain, or the Court of Session in Scotland where the party is resident in Scotland, or the Court of Chancery in Ireland where the party is resident in Ireland, or the Court of Chancery in either of the said islands of Jamaica, Barbadoes, and Saint Vincents, or the royal court of Saint Lucie, in which any such party shall be resident, upon the petition of the committee or committees or persons having the legal charge of any lunatic, or the guardian or guardians of any infant, or the husband or trustee or trustees of any feme covert, receivers or receiver, or other officer, in a summary manner and without bill, to refer it to one of the masters of any of the

Securities may be given under the sanction of courts by committees, &c. of any lunatics, infants, or feme coverts, and shall be valid against such persons as if executed by them.

said courts of Chancery respectively, or in Scotland or in Saint Lucie to any competent authority, to inquire and report whether it will be for the benefit of such party that such loan should be obtained; and in case the master or other competent authority shall report that it will be for the benefit of such party that such loan should be obtained, it shall be lawful for such committee or committees, or person having such legal charge, or for such guardian or guardians, husband or husbands, or trustee or trustees, receivers or receiver, or other officer, to join in and execute such deeds as may be requisite for securing to the said commissioners the repayment of the sum which they may have advanced; and the deed or deeds executed by such persons in their several capacities shall be as valid and effectual to all intents and purposes as if the party had been capable of executing and had himself executed the same.

Sureties in bonds to be bound for no more than they subscribe.

XXIV. AND be it further enacted, that in all cases where any such bond or obligation shall be entered into with such surety or sureties as the said commissioners shall in their discretion approve, then each of the sureties in such bond or obligation shall be bound in such sum, and no more, as he shall set and subscribe against his name in such bond or obligation.

Commissioners may take possession of property mortgaged in certain cases;

XXV. AND be it enacted, that in every case in which the commissioners for the execution of this Act shall make any advance of Exchequer bills to any person or persons under the provisions of this Act, and default shall be made in repayment either of all or any part of such loan, or of the interest thereof or of any part thereof, any person duly authorized by them may enter upon and take possession of the property upon which such loan shall have been charged, and in respect of or relation to which any mortgages, assignments, or other securities shall have been taken by the said commissioners, and may demand, take, and receive all rents, issues, and profits thereof, and may, in the absolute discretion of the said commissioners, continue in such possession, receipt, and enjoyment, until the repayment of such loan and the interest thereof, and of all costs, charges, and expences incidental to such taking and retaining possession, and otherwise in recovering such loan and interest; and the said commissioners, whenever thereunto required, shall render to the owners or persons interested in the said properties a faithful account of all rents, issues, and profits received from such properties during the period that the said commissioners or their nominees shall continue in possession thereof.

and may relinquish the possession thereof.

XXVI. PROVIDED always, and be it enacted, that in all cases in which such possession shall have been taken or shall be taken as aforesaid it shall be lawful for the said commissioners at any time thereafter, if they shall think fit, to relinquish such possession in such manner and form, and upon such terms and conditions, as the said commissioners may direct and appoint.

Commissioners, when they take possession, shall require security from their agent and consignee for proper management of the estates and application of the proceeds

XXVII. PROVIDED always, and be it further enacted, that in every case in which the commissioners for the execution of this Act shall authorize any person to enter upon and take possession of the plantation, slaves, cattle, and stock, upon which such loan shall be charged, and in respect of which default shall be made in repayment of the whole or any part of such loan, or the interest thereof or any part thereof, that the person or persons so authorized to enter into and take possession of the same shall give good and sufficient security, to the satisfaction of the said commissioners, for the due and faith-

ful execution of the trust reposed in him or them, and the due and faithful conducting and managing the said mortgaged premises, and the disposal of the crops in such manner as the said commissioners shall from time to time direct, and for the faithful accounting for all monies which shall come to his or their hands; and also that the said commissioners shall be authorized to require from any person or persons acting as consignee under them for the sale of any produce remitted to Great Britain or Ireland from any such mortgaged premises, to give good and sufficient security for the due and faithful sale of such produce, and the due paying over the proceeds of the same to the cashier or cashiers of the Bank of England when the same shall be received.

of the sale of  
the produce.

XXVIII. AND be it further enacted, that the said commissioners, in all cases where they shall see occasion, may accept and take, as a further and additional security for any loan of any sum on such Exchequer bills as aforesaid, or part of such loan, from any principal or surety in such loan, any India bonds, bills of exchange, or other negotiable securities for money whatsoever, or from any such principal or surety, or other person or persons having lands, tenements, or hereditaments, heritages or other real estates in Great Britain or Ireland, any mortgage, hereditary bond, or other hereditary or real securities whatsoever, which may affect, incumber, or charge the said real estates of such principals or sureties, or other person or persons as aforesaid, and may also accept and take as a like further and additional security from any such principal or surety, or other person or persons possessed of any mortgages, hereditary bonds, or other hereditary or real securities affecting, incumbering, or charging any such real estates in Great Britain or Ireland, any assignment or assignments of such mortgages, hereditary bonds, or other hereditary or real securities; and that every such India bond, bill of exchange, or other negotiable security for money, and every such mortgage, hereditary bond, or other hereditary or real security, which shall be so accepted by the said commissioners, shall be deposited with the said commissioners or such person as they shall appoint.

Commissioners  
may take  
additional  
security, as  
herein speci-  
fied.

XXIX. AND be it further enacted, that all such India bonds, bills of exchange, or other negotiable securities for money so deposited as aforesaid may, in default of payment of such loan in the manner directed by this Act, become and be vested in the said commissioners, and may be sold and disposed of, or the monies due and payable by virtue thereof may be sued for in due course of law, in the name of their secretary for the time being, for the use of the said commissioners under this Act; and every assignment of any mortgage, hereditary bond, and other hereditary or real security which shall be granted, constituted, or made to the said commissioners, and shall be so deposited by the principal or principals in any such bond or obligation made to his Majesty as aforesaid as a security for such loan as aforesaid, and every mortgage, hereditary bond, or other hereditary or real security which shall be granted, constituted, made, or deposited as aforesaid, by any such principal or surety or other person or persons, as such further and additional security as aforesaid, shall severally and respectively be granted, constituted, and made to and in the name of the secretary to the said commissioners for the time being, in trust for the said commissioners, in terms of the loan for which the same shall be a security; and the said secretary for the time being shall, under the

Negotiable  
securities, in  
default of pay-  
ment of loan,  
may be sold,  
or the monies  
due may be  
sued for in the  
name of the  
secretary, to  
whom assign-  
ments of mort-  
gages, &c. shall  
be made.

Secretary may  
do all acts for  
validating  
mortgages,  
recovering  
monies, &c.

Releases to be  
executed on  
payment.

Principal sums  
advanced, with  
interest, to be  
repaid by  
instalments;  
and in default  
the securities  
may be dis-  
posed of, &c.

directions of the said commissioners, have full power and authority to perform, execute, and carry into effect any acts, matters, and things whatever which shall be requisite for the further and better assuring and validating any such mortgage, heritable bond, or other heritable or real security, or assignment thereof as aforesaid, and for enforcing, prosecuting, and pursuing the same for the recovery of the sums for which such securities were respectively granted, constituted, and made, in all courts of competent jurisdiction in Great Britain, as fully and effectually to all intents and purposes as if the same securities respectively were granted, constituted, and made to the secretary for the time being as a security for his own proper debt; and that on payment or satisfaction of the principal sums for which such security shall be given, with interest for the same, and all costs incurred in recovering the same, the said secretary for the time being shall and he is hereby authorized, under the direction of the said commissioners, to execute on behalf of the said commissioners a release, discharge, or renunciation of the said monies so paid or satisfied, to be prepared at the costs of the party or parties making such payment or satisfaction, according to the forms prescribed by law for releasing, discharging, and renouncing a mortgage debt or incumbrance upon a real estate; and that such release, discharge, and renunciation shall be good and valid in law to all intents and purposes whatever, and the properties comprised in such mortgage securities shall in every such case be thereby absolutely re-invested in the owner or other person lawfully entitled thereto.

XXX. AND be it further enacted, that the principal sums contained in the Exchequer bills which shall be advanced or lent by the said commissioners under the authority of this Act shall be repaid, without deduction or abatement, to the cashier or cashiers of the Bank of England at their office, at or previously to the expiration of ten years from the time of every such loan being advanced, with interest for the same in the meantime, to be computed at and after the rate of four pounds per centum per annum from the day of the advance, but the payment of such interest to commence at the expiration of three years from the time of every such loan being advanced, and to be thenceforward made at the expiration of every subsequent year until such principal sums shall be repaid: Provided always, that if the net proceeds of the properties in respect of which any loan shall be advanced shall not be sufficient to pay the whole amount of the supplies and contingencies thereof respectively, the annual interest upon such loans shall not be required until the proceeds shall be sufficient for such supplies and contingencies: Provided always, that nothing herein contained shall be construed to prevent the commissioners from taking possession of any such estate upon any default in payment of interest, as in this Act before provided; and if any default shall be made by any person or persons in the payment of any sum or sums of money within the respective times herein-before limited for payment thereof, according to the true intent and meaning of this Act, it shall and may be lawful for the said commissioners hereby appointed, or any two or more of them, by any warrant or warrants under their hands and seals, to cause the money due and payable by virtue thereof, the Exchequer bills, India bonds, bills of exchange, and other personal securities deposited with the said commissioners, or such security or further security as aforesaid, and also all such mortgages and assignments of mortgages, heritable bonds, or other heritable or

real securities made, constituted, or granted to or to the use of or deposited with the said commissioners, to be sold and disposed of, or be sued for in due course of law, in the name of the secretary of the said commissioners for the time being, for the use of the said commissioners, under this Act; and further, that in case any such default shall be made, and no other sufficient security shall be deposited or given, or that the same shall be found or shall become insufficient in value to satisfy the whole of the demand from such defaulter or defaulters, it shall also be lawful for the said commissioners and they are hereby required, without further delay, to issue their warrant or warrants from time to time to the proper officer or officers of the crown having the direction or management of proceedings upon obligations to his Majesty, requiring such officer or officers presently to proceed against all or any of the persons who shall have entered into any bond or obligation for the sum advanced, his, her, and their heirs, executors, and administrators, for the recovery of such parts of the sums advanced on such bonds or obligations as shall be then due, together with interest as aforesaid, and such costs and charges attending such proceeding as shall be by law payable for the same; the amount of which principal sums so to be levied the said commissioners shall cause from time to time to be testified by their note in writing under the hands of any two or more of them to such officer or officers, and which sum shall be inserted in the writ or process; and the like process shall and may from time to time issue as aforesaid, as occasion shall require; and the sums so recovered (the costs and charges aforesaid excepted) shall be paid to the said cashier or cashiers of the Bank of England, without abatement, deduction, or delay, in satisfaction of such demands; and it shall be in the discretion of the said commissioners to direct against which of the obligors in such security such proceedings shall be from time to time commenced or prosecuted; and the said commissioners shall have the controul and superintendence of such prosecutions, and the same shall not be discontinued, quashed, or abated, upon any pretence whatsoever, without the authority of the said commissioners, testified under the hands and seals of any two or more of them, and exhibited to the barons of his Majesty's Court of Exchequer at Westminster, or to any court of competent jurisdiction in Scotland, as the case may require.

If other securities prove insufficient, the commissioners may direct the proper officer to sue on the bonds.

XXXI. PROVIDED always, and be it further enacted, that where any proceedings shall be directed by the said commissioners as aforesaid against any of the obligors or obligor named in any such obligation, no writ or writs of scire facias shall be required to be issued; but that upon the production of the warrant or warrants of the said commissioners, as before mentioned, before any of the barons of the said respective courts of Exchequer, and in case such intended proceeding shall be against any sureties or surety, then upon proof of notice having been served upon such party or parties, or left at his or their usual place or places of abode respectively, ten days at least before such application shall be made to such baron, an extent shall and may issue in the first process upon the fiat of such baron, without any affidavit or other verification or proof of the cause of such proceeding than such warrant or warrants as aforesaid.

In proceedings against obligors no writ of scire facias requisite, &c.

XXXII. AND be it further enacted, that if any person or surety shall give any such additional security as in this Act is mentioned, over and above such bond or obligation or other security for any loan as is hereby required, and if

If payment shall be made of part of loan, by a surety to

discharge any additional security given by him, it shall entitle him to the same remedy against his principal and co-sureties as if the payment had been made upon the bond.

any payment shall be made of any part of such loan in consequence of such additional security being so given, and in discharge thereof, every such payment shall be deemed and taken to be made under the bond or obligation entered into by such surety, and in discharge or in part discharge thereof, for the purpose of entitling such surety, his executors or administrators, and such payment shall entitle such surety, his executors and administrators respectively, to the like remedy from the principal debtor or debtors in the said loan, his or their heirs, executors, or administrators, for the reimbursement of the sums so paid or satisfied, and from the co-sureties in the said loan for the like contribution, as if such payment or satisfaction had actually been made upon the bond or obligation entered into by such surety; and if any person, not being a party to any bond or obligation entered into by virtue of this Act, shall give such further security for any loan as in this Act is particularly mentioned, and any payment or satisfaction of such loan, or any part thereof, shall be made in consequence of such further security being so given, and in discharge thereof, every such payment or satisfaction shall entitle the party making the same, his executors or administrators, to the like remedy from the principal debtor or debtors in the said loan, his or their heirs, executors, or administrators, for the reimbursement of the sums so paid or satisfied, as if such person had entered into a bond or obligation as surety, and such payment had been made thereupon; and that in every case of such payment upon or in consequence of such additional security, as well the bond or obligation, bonds or obligations of such principal debtor or debtors entered into by virtue of this Act, as all and every the additional securities which may have been given by such principal debtor or debtors by virtue of this Act, shall severally and respectively stand and remain as securities for the purpose of such reimbursement in the manner hereby directed in cases of payment by sureties upon bonds or obligations, and until the whole of the sums so paid or satisfied shall be fully reimbursed; and that such proceedings shall and may be had upon any additional securities given by such principal debtor or debtors for the recovery of the sums so paid for the benefit of the respective parties making such payments, their executors or administrators, as might lawfully have been had for the recovery of the sums due and payable to the said commissioners, notwithstanding the said loan shall have been fully repaid to the said commissioners.

After payment of sums advanced and interest, obligations and securities shall be delivered up.

XXXIII. AND be it further enacted, that after the due payment of the sums advanced, with interest as aforesaid, at the time and in the manner herein specified, every such bond or obligation, and all other the securities entered into or received in pursuance of this Act, being fully satisfied according to the true intent and meaning of this Act, shall be forthwith delivered up to be cancelled; and in case any such bond or obligation shall have been prosecuted according to the directions of this Act, the said commissioners, or any two or more of them, shall by their warrant or warrants direct the proper officer or officers of the said respective courts of Exchequer to enter up satisfaction on such bond or obligation, bonds or obligations, so being satisfied as aforesaid, upon the record, or otherwise to deliver up the same to be cancelled, as the case may require.

After payment of sums advanced by the

XXXIV. PROVIDED always, and be it further enacted, that every bond or obligation, with any sureties or surety to be taken according to this Act,

after payment or recovery thereupon by the said commissioners of the sums advanced or lent, with all interest and costs, in the manner required by this Act, shall stand and remain as a further security for the purposes and in the manner herein-after mentioned; (that is to say,) if any surety or sureties upon such bond or obligation, his, her, or their executors or administrators, shall have paid or satisfied any part of such sums, interest, or costs, then such bond or obligation as against the principal obligor or obligors, his or their heirs, executors, or administrators, shall stand as a security as aforesaid for the reimbursement to such sureties respectively, their executors or administrators, of the whole of the sums so paid or satisfied, and so from time to time until such reimbursement shall be fully made according to the intent of this Act; and if any such sureties or surety, their or his executors or administrators, shall have paid or satisfied a sum which shall bear a greater proportion to the whole of the sums recovered upon such bond or obligation than the sum for which such surety respectively shall have been bound shall bear to the total amount of all the several sums of money for which all the several sureties shall have been bound by such bond or obligation, then such bond or obligation as against each and every of the sureties who shall not have paid or satisfied an equal proportion of the whole sum recovered according to the sum for which he shall have been respectively bound, their and every of their heirs, executors, and administrators respectively, shall stand as a security for the benefit of such sureties or surety, their executors or administrators respectively, who shall have paid or satisfied any such sums as aforesaid, for the purpose of enforcing a contribution among such sureties in an equal proportion to the several sums for which they shall have been respectively bound, and so from time to time until such contribution shall be fully made according to the intent of this Act; and that in every such case, upon the application of any sureties or surety to the said commissioners for any of the purposes aforesaid, the said commissioners shall cause the respective claims of such sureties or surety respectively, and the sums to be recovered from such principals or sureties respectively, their and every of their heirs, executors, or administrators, to be adjusted and settled as herein is mentioned, so that the whole sum recovered shall be distributed in equal proportion according to the sums for which each surety respectively shall have been bound in the same bond or obligation, and so from time to time as the case shall require; and thereupon the said commissioners, by warrant or warrants in writing under their hands, shall from time to time direct process to issue for the recovery of such sums as they shall have so adjusted and settled to be respectively recovered from and paid to such persons respectively as they shall specify in such warrant or warrants, under and subject to the several regulations and directions in this Act contained.

commissioners, obligations with sureties shall remain as further securities for reimbursement of the sureties by their principals and co-sureties.

Commissioners may adjust claims of sureties, and direct process for recovery.

XXXV. AND be it further enacted, that such process as aforesaid shall and lawfully may issue on any such bond or obligation as aforesaid against any such principals or principal, their or his heirs, executors, or administrators, for the benefit of any such sureties or surety, their or his executors or administrators, and against any such sureties or surety, their or his heirs, executors, or administrators as aforesaid, for the benefit of any co-sureties or co-surety, their or his executors or administrators, notwithstanding the whole sum which shall have been advanced to such principals or principal shall have been

Process may issue against principals for the benefit of sureties, and against sureties for the benefit of co-sureties, &c.



repaid; and in case any sureties or surety shall become bound by distinct bonds or obligations for the same persons or person, and for or on account of the same advancement, all and every the provisions aforesaid shall be applied in like manner, as well for the benefit of as against such principals or principal, as if all such sureties and principals respectively were named in the same obligation.

Estates and effects of bankrupts in England liable to the discharging of bonds or other securities.

XXXVI. AND be it further enacted, that every bond or obligation or other security entered into or given by any person or persons, either as principal or surety, who shall afterwards become bankrupt within the true intent and meaning of the several statutes made and now in force concerning bankrupts, and against whom a commission of bankrupt shall be awarded and issued out in that part of Great Britain called England, shall by reason and force of such bankruptcy, and from the time of such bankruptcy, become and be forfeited and due and payable as against such bankrupt or bankrupts; and all the estate and effects of such bankrupt or bankrupts, which would be liable to satisfy the demands of the creditors seeking relief under such commission of bankrupt, shall be liable and subject to and are hereby made chargeable with the payment of the principal and interest due upon such bond or obligation or other security, and all costs attending the recovery of the same; and that the claims of the said commissioners shall be first paid and satisfied out of the estate and effects of the said bankrupt or bankrupts, and in preference to the claim of any other creditor or creditors; and it shall be lawful for the said commissioners, in the name of their secretary for the time being, to apply by petition in a summary way to the proper courts in England having the jurisdiction of the matters of such commission of bankruptcy to make due order accordingly, which such courts respectively are hereby authorized and required to make.

Claims of commissioners to have priority over other creditors.

Estates and effects of bankrupts in Scotland, liable to creditors seeking relief under sequestration, shall be subject to the claims of the commissioners, who shall have priority.

XXXVII. AND be it further enacted, that every bond or obligation or other security entered into or given by any person or persons, either as principal or surety, who shall afterwards become bankrupt, and against whose estate sequestration shall be awarded in Scotland, shall, by reason and force of such bankruptcy, and from the time of the date of the first deliverance on the petition to the Court of Session for awarding the sequestration, become and be due and payable as against such bankrupt or bankrupts; and that all the estate and effects, real and personal, of such bankrupt or bankrupts, which would be liable to satisfy the demands of the creditors seeking relief under such sequestration, shall be liable and subject to and are hereby made chargeable with the payment of the principal and interest due upon such bond or obligation or other security, and all costs attending the recovery of the same; and that the claims of the said commissioners shall be first paid and satisfied out of the estate and effects of such bankrupt or bankrupts, and in preference to the claim of any other creditor or creditors; nevertheless without prejudice to preference duly obtained according to the law of Scotland upon the real estates of persons who shall become bankrupts; and it shall be lawful for the said commissioners, in the name of their secretary for the time being, to apply by petition in a summary way to the proper courts in Scotland having jurisdiction of the matters of such bankruptcy for making effectual the payment of the claims of the said commissioners accordingly, and which such courts are hereby authorized and required to make.

XXXVIII. PROVIDED always, and be it further enacted, that the said commissioners may accept from the assignees under any commission of bankrupt issued, or from the factor or factors, trustee or trustees under any sequestration awarded against any principal debtor or debtors in any such loan under this Act, such security for the payment of the sum due from such bankrupt or bankrupts out of his or their estate or effects, as the said commissioners shall approve; and that the acceptance of such security by the said commissioners shall operate as a release of the estate of such bankrupt or bankrupts, for the benefit of the creditors under the said commission of bankrupt in England or sequestration in Scotland, from all claims whatever by the said commissioners, other than and except such part of the said estate as shall be specified in writing between the said commissioners and the said assignees under the said commission of bankruptcy in England, or between the said commissioners and the said factor or factors, trustee or trustees under the said sequestration in Scotland, to be reserved by the said commissioners for such security as aforesaid, in case the said commissioners shall require such security.

Commissioners may accept from assignees, &c. security for sums due from bankrupts.

XXXIX. PROVIDED also, and be it further enacted, that in case such debt shall grow due to the said commissioners from any such bankrupt or bankrupts as a surety or sureties upon any such loan as aforesaid, the said commissioners may accept from the assignees under such commission of bankruptcy in England, or from the factor or factors, trustee or trustees under such sequestration in Scotland, such provisional security for the payment of the sum due from such bankrupt or bankrupts out of his or their estate or effects as the said commissioners shall approve, such provisional security to be void on the payment or satisfaction of the sum so due by the principal debtor or debtors, or by the acceptance of other surety or sureties in lieu thereof, in the manner herein-after mentioned; provided that such acceptance of such provisional security by the said commissioners shall operate as a release of the estate of such bankrupt or bankrupts for the benefit of the creditors under the said commission of bankruptcy in England, or sequestration in Scotland, from all claims whatsoever by the said commissioners, other than and except such part of the said estate as shall be specified in writing between the said commissioners and the said assignees under the said commission of bankruptcy in England, or between the said commissioners and the said factor or factors, trustee or trustees under the said sequestration in Scotland, to be reserved by them for such provisional security as aforesaid, in case the said commissioners shall require such security: Provided always, that any such release of the estate or estates of any such bankrupt or bankrupts as aforesaid, whether principals or sureties upon any such loan as aforesaid, shall not be deemed or taken, either in law or equity, to discharge any other person or persons, or the estate or estates of any other person or persons, or to affect any other security for the same debt, or in any manner to prevent any contribution amongst sureties, or any demand of sureties against their principals, provided for by this Act.

Commissioners may accept from assignees, &c. of sureties becoming bankrupt provisional security for payment of sums due, &c.

Release of bankrupt not to discharge other parties.

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XLI. AND be it further enacted, that in case any advance in Exchequer bills shall be made to any person or persons concerned in any partnership, upon the application of any person or persons to the said commissioners to

Where advances shall have been applied to the

use of partnerships, the partnership estate and effects to be liable, though other security shall have been taken.

make such advance to the use of the said partnership, and such advance or any part thereof shall have been actually applied to the use of the said partnership, then the estate and effects of such partnership shall be liable and subject to and are hereby made chargeable with the payment of the sums advanced and actually applied as aforesaid, with interest for the same, and all costs attending the recovery thereof, as in case of debt found on record to the King's Majesty, notwithstanding the said commissioners shall or may have taken securities for the same debt in the name or names of any other person or persons than the persons concerned in such partnership, or in the names or name of any one or more of such partners; and in case it shall be made appear by affidavit to any baron of the respective courts of Exchequer in England and Scotland that such advance, or such part thereof as aforesaid, was actually applied to the use of the said partnership, and the same being found on record, it shall be lawful for such baron to cause an extent to be issued against the estate and effects of such partnership to the amount of the sum so actually applied, with interest thereupon and costs as aforesaid, in the same manner as if the advance so actually applied was an immediate debt from all the persons concerned in such partnership to the King's Majesty.

Persons may apply to the commissioners to have the time of repayment of Exchequer bills extended.

XLII. AND be it further enacted, that any person or persons to whom such Exchequers bills have been issued, his, her, or their heirs, executors, and administrators, and who respectively shall be desirous of enlarging or extending the time limited by the said Act for such repayment, to make application to the said commissioners for any enlargement or extension of the time limited for such repayment at any time previously to the expiration of five years from the time of the loan being advanced, and to offer to the said commissioners security for the due payment of such loan and interest, at or within such enlarged or extended times, either by continuing in the manner herein-after mentioned the sureties or securities already liable or pledged for repayment of the amount of the said bills and the interest thereon, or by procuring or making further or other sureties or securities of the nature and quality specified in this Act, as he or they may be able to give or effect; and the said commissioners are hereby authorized from time to time to judge of and determine upon the sufficiency of such surety or sureties, security or securities, to be given for securing the repayment of any such loan at the expiration of such enlarged or extended times, in like manner as they are enabled to do with respect to the original sureties or surety or securities or security directed to be proposed, given, and made previous to the advance or issue of any Exchequer bills under this Act.

Commissioners to determine on the sufficiency of sureties and securities offered.

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If default be made in repayment of loans the mortgaged premises may be sold, &c.

XLIX. AND be it further enacted, that if any default shall be made in the repayment of all or any part of such loan or advance for which any such mortgage shall be accepted or taken by the said commissioners as a security, (but not otherwise,) the said commissioners, or their attornies or attorney to be appointed for that purpose, by the proper proceedings in the said islands, upon judgment to be entered up, shall take possession of all or any parts or part of the said mortgaged premises, and by sale or mortgage of the same, or a competent part thereof, raise and levy such sum or sums of money as shall be sufficient to repay all monies due upon or in respect of such loan or advance, and the interest thereof, and all costs and charges attending such proceedings;

and the monies so recovered (the costs and charges aforesaid excepted) shall be paid and applied in reimbursement and satisfaction of the sum due upon or in respect of such loan or advance, in like manner as the sums of money to be recovered under the proceedings authorized by the said recited Act in default of payment are thereby directed to be paid and applied; and the receipt of such persons or person as the said commissioners, or any three or more of them, shall nominate and appoint as their attornies or attorney in the said islands or in Great Britain, shall alone be a full and sufficient discharge to such mortgagees or purchasers or mortgagee or purchaser for the monies or money advanced on mortgage, or for the purchase monies or purchase money of the respective premises so mortgaged or sold; and such mortgagees or purchasers or mortgagee or purchaser shall not be bound to see to the application thereof, nor shall be liable or in any manner accountable for the misapplication or nonapplication of such monies or money by the attornies or agents of the said commissioners or any of them; and the attornies or agents so to be appointed as aforesaid shall give security by obligations to his Majesty, with such sureties as the said commissioners or any three or more of them shall approve, duly to account to the said commissioners for, and to pay to the cashiers of the Bank of England, when and as the said commissioners or any three or more of them shall direct or appoint, all such sum and sums of money as they shall recover or receive under or by virtue of such appointments, after deducting all costs, charges, and expences which shall or may be incurred in the recovery thereof, and the commission or compensation to be paid or allowed to such attornies or agents for their trouble; which costs, charges, expences, commission, or compensation shall be examined and allowed by the said commissioners, or any three or more of them, in such manner and to such extent as they in their discretion shall think fit; and the said attornies or agents to be appointed as aforesaid shall alone be accountants to his Majesty for such sum and sums of money as they shall recover under or by virtue of this Act.

Receipts of attornies appointed by the commissioners to be sufficient discharges.

Attornies to give security, &c.

L. AND be it further enacted, that the said commissioners may, in the name of their secretary for the time being, apply, by petition or otherwise, to the proper courts in England and Scotland respectively for any commission of bankruptcy or sequestration against the estate or effects of any bankrupt or bankrupts, and to sue out and otherwise pursue the same respectively in like manner as any other creditor or creditors is or are by law entitled to do in England and Scotland respectively.

Commissioners may apply for commissions of bankruptcy, &c.

LI. AND be it further enacted, that if any such surety or sureties upon any such loan by the said commissioners under this Act shall be declared bankrupt as aforesaid, and the principal debtor or debtors thereon shall not, within fourteen days after notice thereof and requisition made for that purpose by the said commissioners, produce another surety or sureties to be approved of by the said commissioners to become bound, and who shall accordingly become bound in the said sum by the like surety or sureties in lieu of the surety or sureties so becoming bankrupt as aforesaid, or pay to the said commissioners one half of the sum for which such surety or sureties were bound by such security or securities, then the security and securities given or entered into by such principal debtor or debtors shall be deemed forfeited as far as to the amount of one half of the sum or sums in which such surety

If principal debtors do not in a limited time produce sureties in place of such as become bankrupts, or pay half of the sum for which they were sureties, their securities shall be deemed forfeited to that amount.

or sureties were bound respectively; and the said commissioners may cause process to be issued in the manner prescribed by this Act against the principal debtor or debtors, his and their heirs, executors, and administrators, for the recovery of one half part of all and every the sum and sums in which such surety or sureties were bound respectively, together with interest and costs, to be directed by the said commissioners in pursuance of this Act.

Any person appointed by the commissioners shall be admitted to prove debts, &c.

LII. AND be it further enacted, that any person appointed by the said commissioners to act in the execution of this Act may, on oath or affirmation, which oath, affirmation, and affidavit respectively shall be taken and administered before any of the proper officers having authority by law to administer oaths or affirmations or to take affidavits in cases of bankruptcy, prove any debt or grounds of debt under this Act, and vote in the choice of an assignee or assignees, factor or factors, trustee or trustees, as the case may require, of such bankrupt's estate and effects, and may do and execute every other act, matter, and thing relating to such bankruptcy or sequestration, as fully and effectually as if such person so authorized was the bonâ fide creditor of such bankrupt or bankrupts.

Act not to delay the execution of commissions of bankruptcy, provided the assignments of the effects are subject to the claims of the commissioners.

LIII. PROVIDED always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to prevent, hinder, or delay the execution of any commission of bankruptcy according to the laws now in force in that part of Great Britain called England, or the proceeding to or under sequestration in Scotland; provided that every assignment of the estate or effects of such bankrupt or bankrupts under the said commission in England, and every act of sequestration of the estate or effects of such bankrupt or bankrupts in Scotland, shall be subject to the claims of the said commissioners appointed by this Act, and until the same shall be fully paid or secured to be paid.

Securities to be vested in the commissioners;

who may sue and be sued in the name of their secretary. &c.

LIV. AND be it further enacted, that all mortgages, heritable bonds, or other heritable or real securities, and all assignments of mortgages, heritable bonds, or other heritable or real securities, and also all Exchequer bills, India bonds, bills of exchange, and other negotiable securities for money whatsoever, given to or deposited with the said commissioners under the authority and for the purposes of this Act, shall be for such purposes vested in the said commissioners, by the name of "The commissioners for the issue of Exchequer bills advanced to persons connected with or trading to the islands of Jamaica, Barbadoes, Saint Lucie, or Saint Vincents"; and that the said commissioners shall and may sue and be sued in the name of the secretary for the time being; and that no action or suit in law or equity to be brought or commenced by or against the said commissioners on account of this Act, in the name of their secretary for the time being, shall abate or be discontinued by the death or removal of such secretary, or by the act of such secretary without the consent of the said commissioners, but the secretary to the said commissioners for the time being shall always be deemed the plaintiff or defendant in such action or suit (as the case may be); and no action or suit shall be brought against the said commissioners collectively or individually, or against their secretary, except in one of the said courts of Exchequer, and with the leave of such court first had and obtained, and upon such terms and conditions as the said courts shall direct.

LV. AND be it further enacted, that no obligation to his Majesty, mortgage, assignment, or other security taken by the said commissioners from and after the passing of this Act, nor any re-conveyance or re-assignment thereof, nor any promissory note to be given to the secretary to the said commissioners under this Act as a security for the loan of money in such Exchequer bills as aforesaid, nor any affidavit, deposition, or receipt taken or to be taken, or any other instrument to be given or made under and by virtue of this Act, shall be liable to any stamp duty whatsoever.

No obligation, &c. under this Act liable to stamp duty.

LVI. AND be it further enacted, that the governor and directors of the Bank of England are hereby required to open and keep an account in their books with the commissioners for the execution of this Act, under the title of "Commissioners for the issue of certain Exchequer bills to persons connected " with West India islands," and shall carry to the credit of such account the several monies by this Act directed to be paid to the cashiers of the said Bank of England; and whenever the said commissioners for the execution of this Act shall have advanced or lent any of the Exchequer bills to be made out in pursuance of this Act to any person or persons, the said commissioners shall, at some time before the sums contained therein shall be to be repaid, deliver to such person or persons, at his or their request, one or more certificate or certificates under the hands of any three or more of them, specifying the amount of the Exchequer bills lent and advanced to such person or persons, and the amount of the money to be received on account thereof; and the said cashiers of the Bank or one of them shall, upon the production of such certificate or certificates, accept and receive from the person or persons producing the same the amount of the money therein mentioned to be receivable, and at the foot of such certificate or certificates shall acknowledge the receipt of the said money without fee or reward; and every receipt so given as aforesaid shall be afterwards brought to the office of the said commissioners, and by them entered in proper books to be provided and kept for that purpose, and the said commissioners, or any three or more of them, shall attest the same under their hands, and return the same to the person or persons producing the same at the said office; and every such receipt so attested, and every such entry in any of the said books, shall respectively from thenceforth be a valid and effectual acquittance and discharge for the sum or sums expressed therein to have been received, as well against the said commissioners and every of them, their and every of their executors and administrators, and also to the person or persons to whom such receipt or receipts shall be given, and to all and every the person and persons who shall have entered into any security in respect of the Exchequer bills mentioned in such certificate to which such receipt shall be subscribed, their and every of their heirs, executors, and administrators respectively, to all intents and purposes whatsoever; and all money which may be recovered by any legal or other proceedings directed by the said commissioners under the authority of this Act shall be paid by the secretary of the said commissioners, or such other persons as may be appointed by them for that purpose, into the same account, upon a certificate, to be signed by three or more of the said commissioners, specifying on what or on whose account the said money may have been recovered; and the said cashiers of the Bank or any one of them shall, upon the production of such last-mentioned certificate, accept and receive from such secretary or other

The Bank of England to open and keep an account with the commissioners, &c.

person the monies mentioned in such last-mentioned certificate, and at the foot of such certificate shall acknowledge the receipt of the said monies, without fee or reward.

Money paid  
into the Bank  
to be paid into  
the Exchequer.

LVII. AND be it further enacted, that all sums of money which shall be paid into the Bank of England under or by virtue of this Act shall from time to time be paid into the receipt of his Majesty's Exchequer at Westminster ;

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Six months  
notice to be  
given of ter-  
mination of  
the powers of  
the commis-  
sioners.

LX. AND be it further enacted, that so soon as the whole sum of one million by this Act authorized to be issued and applied under the provisions of the said recited Acts and this Act shall have been advanced and lent by the said commissioners for the execution of the said recited Acts and this Act, or whenever the sums so lent and advanced by the said commissioners shall amount to any sum within five thousand pounds of the full amount of the said sum of one million, or whenever the said commissioners of his Majesty's Treasury shall think that the powers of the said commissioners for the execution of this Act may, without injury to any principals or sureties or other persons interested in the properties for which advances have been made, or in any securities given in relation thereto, cease and determine, the commissioners of his Majesty's Treasury, or any three or more of them, are hereby authorized to direct the said commissioners or any three or more of them, of whom the chairman or deputy chairman shall be one, and the said commissioners are thereupon hereby authorized and required, to publish and declare, by advertisements to be inserted in the London Gazette and such of the daily newspapers as the said commissioners of his Majesty's Treasury may appoint, that at the expiration of six calendar months from the date of the said advertisements respectively the said commissioners for the execution of this Act will cease to execute and perform the powers and authorities vested in them by this Act ; and all the powers and authorities of the said commissioners for the execution of this Act shall thereupon cease and determine accordingly ; and the said commissioners shall, with all convenient speed, lay an account in writing of all their proceedings under the said recited Acts and this Act before both Houses of Parliament, and also shall deliver or cause to be delivered up to the said commissioners of his Majesty's Treasury for the time being, or to such person or persons as the said commissioners of his Majesty's Treasury for the time being, or any three or more of them, by writing under their hands shall nominate and appoint, all the bonds, mortgages, deeds, books of account, papers, and writings, of what nature or kind soever, in the possession or under the controul of the said commissioners, or any of their officers, touching or relating to any security or securities whatsoever taken by them the said commissioners for any loan or loans advanced by them under the powers and authorities of the said recited Acts or any of them, and this Act, together with the minutes of the proceedings of them the said commissioners, and all books, papers, and writings in any manner relating thereto.

Commissioners  
to give an  
account of  
their proceed-  
ings to the  
Treasury.

LXI. AND be it further enacted, that the said commissioners herein appointed shall from time to time at their discretion, or as often as they shall be thereunto required, during their carrying on any proceedings by virtue of this Act, and as soon as possible after the determination of such proceedings, without any further requisition, give an account of their proceedings in

writing to the lords commissioners of his Majesty's Treasury or the lord high treasurer for the time being.

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LXIII. AND be it further enacted, that no action or suit shall be commenced against any person or persons for any thing done by virtue or in pursuance of this Act until fourteen days notice thereof in writing shall have been given to the secretary for the time being of the said commissioners, nor after a sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, nor after six calendar months next after the fact committed; and every such action shall be brought in the said respective courts of Exchequer, and shall be laid in the county of Middlesex or city of Edinburgh respectively, and not elsewhere; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same appear so to be done, or if such action or suit so to be brought after the time hereinbefore limited for bringing the same, or shall be brought without fourteen days notice thereof, or shall be brought in any other county or place, or after a sufficient satisfaction made or tendered as aforesaid, that then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or suit, or if a verdict shall pass against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for recovering the same as any defendant or defendants hath or have for costs of suit in any other cases of law. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Notice of actions.

Tender of amends.  
Limitation of actions.

General issue.

Treble costs.

LXIV. AND be it further enacted, that if any person or persons shall forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly or wilfully act or assist in the forging, counterfeiting, or altering, any certificate or certificates of the said commissioners by this Act appointed as aforesaid or any of them, or any receipt or receipts to be given by the cashier or cashiers of the governor and company of the Bank of England in pursuance of this Act, or shall wilfully deliver to the auditor of the receipt of his Majesty's Exchequer for the time being, or to any officer appointed by him, or to the said commissioners by this Act appointed or any of them, or to any officer or officers appointed by them or any of them in the execution of the powers of this Act, or shall utter any such forged, counterfeited, or altered certificate or certificates, receipt or receipts, knowing the same to be forged, counterfeited, or altered, with intent to defraud his Majesty, his heirs or successors, or any body or bodies politic or corporate, or any person whomsoever, then and in every such case all and every person or persons so offending, and being thereof lawfully convicted, shall be adjudged guilty of felony,

Forging certificates, &c. felony.

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## 3 &amp; 4 WILLIAM IV. A.D. 1833.

STATUTES MADE AT THE PARLIAMENT  
 BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-NINTH DAY OF  
 JANUARY, A.D. 1833,  
 IN THE THIRD YEAR OF THE REIGN OF KING WILLIAM THE FOURTH,  
 BEING THE FIRST SESSION OF THE ELEVENTH PARLIAMENT OF THE UNITED  
 KINGDOM OF GREAT BRITAIN AND IRELAND.

## CHAPTER XIII.

AN ACT to provide for the Execution of the Duties performed by the Barons of Exchequer in Scotland in relation to the Public Revenue, and to place the Management of the Assessed Taxes and Land Tax in Scotland under the Commissioners for the Affairs of Taxes. [17th May 1833.]

6 Ann. c. 53.  
s. 1.

sect. 19.

43 Geo. 3.  
c. 150.

43 Geo. 3.  
c. 161.

45 Geo. 3.  
c. 95.

**W**HEREAS by an Act passed in the sixth year of the reign of her Majesty Queen Anne, intituled "An Act for settling and establishing " a Court of Exchequer in the north part of Great Britain called Scotland," it was enacted, that from and after the fifth day of May one thousand seven hundred and eight a Court of Exchequer should be, and was thereby constituted and established in Scotland, and such court was thereby enacted to be a court of record, revenue, and judicature for and within Scotland; and it was by the said Act among other things enacted, that all officers and persons employed in or about the collecting, receiving, managing, paying, answering, or accounting for any of the crown revenues, debts, or duties in Scotland should be under and subject to the orders, authority, and jurisdiction of the said Court of Exchequer in all things touching the said revenues, debts, or duties, and the securities to be given and oaths to be taken relative thereto, not contrary to or inconsistent with the commands, orders, or directions in force of or from the Queen's Majesty, her heirs and successors, or of or from the lord high treasurer of Great Britain, or the lords commissioners of the Treasury in Great Britain for the time being: And whereas an Act was passed in the forty-third year of the reign of his Majesty King George the Third, intituled "An Act for consolidating certain of the provisions contained " in any Act or Acts relating to the duties under the management of the " commissioners for the affairs of taxes, and for amending the said Acts, so " far as the same relate to that part of Great Britain called Scotland"; and another Act was passed in the said forty-third year of the reign of his said Majesty, intituled "An Act for repealing the several duties under the manage- " ment of the commissioners for the affairs of taxes, and granting new duties " in lieu thereof, for granting new duties in certain cases therein mentioned, " for repealing the duties of excise on licences, and on carriages constructed " by coachmakers, and granting new duties thereon, under the management " of the said commissioners for the affairs of taxes, and also new duties on " persons selling carriages by auction or on commission"; and another Act was passed in the forty-fifth year of the reign of his said Majesty, intituled "An Act to amend so much of an Act of the forty-third year of his present

" Majesty, for consolidating certain of the provisions of the Acts relating to  
" the duties in Scotland under the management of the commissioners for the  
" affairs of taxes, as relates to the appointment of assessors and sub-collectors,  
" and the notices required to be delivered to persons assessed to the said  
" duties "; and another Act was passed in the fifty-second year of the reign  
of his said Majesty, intituled " An Act to amend and regulate the assessment 52 Geo. 3.  
" and collection of the assessed taxes, and of the rates and duties on profits c. 95.  
" arising from property, possessions, trades, and offices, in that part of Great  
" Britain called Scotland "; and another Act was passed in the fifty-fifth  
year of the reign of his said Majesty, intituled " An Act to amend and render 55 Geo. 3.  
" more effectual an Act of the fifty-second year of his present Majesty, to c. 161.  
" amend and regulate the assessment and collection of the assessed taxes, and  
" of the rates and duties on profits arising on property, professions, trades,  
" and offices, in that part of Great Britain called Scotland "; and another Act  
was passed in the first and second years of the reign of his Majesty King  
George the Fourth, intituled " An Act to continue several Acts for the relief 1 & 2 Geo. 4.  
" of persons compounding for assessed taxes from an annual assessment, c. 113.  
" for a further term, and to amend the Acts relating to assessments and  
" compositions of assessed taxes," by which, and other Acts relating to the  
assessed taxes, and compositions for the same, various powers and duties are  
conferred and imposed upon the said barons in relation to the assessment and  
recovery of the assessed taxes in Scotland: And whereas an Act was passed  
in the thirty-eighth year of the reign of his late Majesty King George the  
Third, intituled " An Act for making perpetual, subject to redemption and 38 Geo. 3.  
" purchase in the manner therein stated, the several sums of money now c. 60.  
" charged in Great Britain as a land tax for one year, from the twenty-  
" fifth day of March one thousand seven hundred and ninety-eight ": And  
whereas another Act was passed in the forty-second year of the reign of  
his said Majesty, intituled " An Act for consolidating the provisions of the 42 Geo. 3.  
" several Acts passed for the redemption and sale of the land tax into c. 116.  
" one Act, and for making further provision for the redemption and sale  
" thereof, and for removing doubts respecting the rights of persons claim-  
" ing to vote at elections for knights of the shire and other members  
" to serve in Parliament, in respect of messuages, lands, or tenements, the  
" land tax upon which shall have been redeemed or purchased "; and other  
Acts were passed relating to the redemption of the land tax: And whereas  
by various Acts in force in relation to the courts of law and equity and  
the records of that part of the United Kingdom called Scotland, the said  
barons are authorized and required to ascertain and fix the compensation of  
certain officers and others connected with the said courts or establishments,  
and to authorize the issue of money for the payment of such compensations or  
parts thereof, and other powers and duties are by such Acts conferred upon  
the said barons: And whereas the said barons are also empowered, by various  
Acts in relation to sundry public works, buildings, undertakings, or establish-  
ments in Scotland, to authorize the issue of money toward the payment or  
part payment of the expence of erection, repair, or maintenance of such public  
works, buildings, undertakings, or establishments, and to attend to the security  
and interest of the public in procuring or enforcing the repayment of monies  
advanced towards such purposes or some of them, and in procuring or enforcing

50 Geo. 3.  
c. 84.

5 Geo. 4. c. 72.

5 Geo. 4. c. 90.

4 Geo. 4. c. 23.

7 & 8 Geo. 4.  
c. 53.

2 & 3 Will. 4.  
c. 54.

the payment of the interest accruing upon monies due in respect of such works or some of them : And whereas an Act was passed in the fiftieth year of the reign of his Majesty King George the Third, intituled " An Act for augmenting " parochial stipends in certain cases in Scotland"; and another Act was passed in the fifth year of the reign of his Majesty King George the Fourth, intituled " An Act for amending and rendering more effectual an Act for " augmenting parochial stipends in certain cases in Scotland"; by which two last-recited Acts the said barons were authorized and directed to issue their precepts or warrants to his Majesty's receiver general in Scotland for the payment annually of certain sums to certain of the parochial ministers of the church of Scotland, and for payment of ann to the representatives of such ministers who may be entitled thereto, and of vacant stipends, for the purposes and in the manner therein set forth : And whereas an Act was passed in the fifth year of the reign of his Majesty King George the Fourth, intituled " An " Act to amend an Act for building additional places of worship in the high- " lands and islands of Scotland"; by which Act the commissioners for building additional places of worship in the highlands and islands of Scotland are directed to account to the said barons of Exchequer for the expenditure of the sums to be issued under the said last-recited Act for the purposes aforesaid, and the said barons are thereby directed to issue precepts to the ministers officiating at such places of worship for the payment of the stipends thereby directed to be paid, and the ann when due is directed to be paid in the manner prescribed by the said recited Act for augmenting parochial stipends : And whereas the said barons of the Court of Exchequer in Scotland have been heretofore in use, under or by virtue of writs of privy seal, royal warrants, custom, usage, or otherwise, to issue precepts for the sums applicable to the payment of the charges of the courts of law in Scotland, and also to direct and order payment of other charges not relating to the courts of law ; and powers and duties are also exercised and performed by the said barons in relation to the payment of fees and salaries payable out of the civil establishment of Scotland, and the said barons are also by such authority in use to order and take cognizance regarding the payment of the salaries of sheriffs and their substitutes, to issue payments to the sheriff of Edinburgh for expences incurred in the public service, and to see to the accounting for the same, to issue, on the application of the lord advocate, the monies necessary for defraying the expence of criminal prosecutions, and otherwise in relation to the receiving, ordering, issuing, and administration of public monies, to grant tacks of teinds, and to appoint to bursaries falling under the gift of the crown : And whereas an Act was passed in the fourth year of the reign of his Majesty King George the Fourth, intituled " An Act to consolidate the several boards of customs, and also the " several boards of excise, of Great Britain and Ireland": And whereas another Act was passed in the seventh and eighth year of the reign of his said Majesty King George the Fourth, intituled " An Act to consolidate and amend the laws " relating to the collection and management of the revenue of excise through- " out Great Britain and Ireland": And whereas another Act was passed in the second year of the reign of his present Majesty King William the Fourth, intituled " An Act for making provision for the dispatch of business now done " by the Court of Exchequer in Scotland": And whereas another Act was passed in the second and third year of the reign of his said Majesty King

William the Fourth, intituled "An Act to provide for the examination and audit of the customs and excise revenues in Scotland"; and another Act was passed in the said second and third year of the reign of his said Majesty King William the Fourth, intituled "An Act to authorize the hereditary land revenues of the crown in Scotland being placed under the management of the commissioners of the land revenues": And whereas it is expedient that all the powers, authorities, and duties heretofore exercised or performed by the said barons of the Court of Exchequer in Scotland, in relation to and concerning the managing, ordering, paying, issuing, or administering any of the monies of or belonging or indebted to the crown in Scotland, other than the duties or revenues of customs and excise, in so far as the same or any part thereof are by the said recited Acts in that behalf put under the management and disposal of the board of customs and excise of the United Kingdom, and the said crown revenues of Scotland, so far as the same are by the said recited Act in that behalf put under the commissioners of his Majesty's woods, forests, land revenues, works, and buildings, should be vested in the lords commissioners of his Majesty's Treasury in the manner and to the effect herein-after mentioned; and that all the powers and duties of the said barons (not being judicial powers and duties) in relation to the assessment, collection, management, or appropriation of the land tax or any of the assessed taxes, and the regulation or payment of any of the officers or other persons therewith connected, and the taking the security to be given by such officers and persons, should be transferred to and conferred upon the commissioners for the affairs of taxes for the time being: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all the powers and authorities at present exercised or exerciseable by the said barons of the Court of Exchequer in Scotland, and all the duties performed by the said barons, either in issuing precepts or directions to the collectors of the customs or cashier of excise, or any other officer or officers in the collection or receipt of any of the duties or revenues of customs or excise, or crown revenues, or of the land tax or assessed taxes, or other public monies, to pay such revenues, duties, or monies either to the receiver general for Scotland, or other officer or person whatsoever, for the public service, or any other purpose whatsoever; or in relation to the ascertaining, ordering, issuing, allowing, or paying any sum or sums of money applicable and paid towards the charges of the courts of law, or other charges not relating to the said courts, or to any fees and salaries payable out of the civil establishment of Scotland; to the ascertaining, ordering, issuing, allowing, or paying any sum or sums of money payable by way of compensation or superannuation allowance or retiring salary to any judge, officer, or other person whatsoever connected with any of the courts of law or equity in Scotland, or of or connected with the general register house or other establishment in Scotland; or in relation to the ascertaining, ordering, issuing, allowing, or paying any sum or sums of money towards the payment of the expences of the erection, repair, or maintenance of any public work, building, undertaking or establishment; or to the securities to be taken for any sum or sums of money so paid or allowed, or to the repayment of such sum or sums, or the payment of the interest due or to become due

2 & 3 Will. 4.  
c. 103.

2 & 3 Will. 4.  
c. 112.

Certain powers and duties of the barons of the Exchequer in Scotland, as at present exercised, to cease, and be vested in the commissioners of the Treasury.

thereon ; or in relation to the issuing or paying any stipend or stipends, or ann or vacant stipends, to any of the parochial ministers of the church of Scotland, or others entitled thereto, or to the ministers of the churches erected under the said recited Act of the fifth year of the reign of his Majesty King George the Fourth, in that behalf, or others entitled thereto ; or in relation to the payment of any sheriff or sheriff substitute in Scotland, or any money to be paid to or under the direction or superintendence of any sheriff, for the public service, or to or for the crown agent or any other officer or person, for the defraying the expences of criminal prosecutions in Scotland ; or otherwise towards the receiving, ordering, issuing, or paying any such duties, revenues, or public monies, and all the ministerial powers and duties connected with such payment and administration ; or in relation to the granting tacks of teinds, or to the appointing to bursaries in the gift of the crown ; and also all the powers and duties of the barons of the said Court of Exchequer, in regard to passing the sheriffs accounts or other accounts, and taking securities, and receiving bonds, (excepting recognizances and other securities, and the oaths taken in the discharge of the judicial duties of the said barons,) shall from and after the passing of this Act cease and determine ; and all such powers, authorities, and duties shall be transferred to, conferred upon, and vested in the lord high treasurer of the United Kingdom of Great Britain and Ireland, or the commissioners of his Majesty's Treasury of the United Kingdom, for the time being ; any Act or Acts of Parliament, or any writ of privy seal, or royal warrant, or law, usage, custom, or authority, to the contrary in anywise notwithstanding.

Commissioners of the Treasury may regulate the powers and duties of the offices of King's remembrancer, &c. in Scotland.

II. AND be it enacted, that it shall be lawful to the said commissioners of his Majesty's Treasury, or any three of them, and they are hereby authorized and empowered, by warrant to be made and signed by them from time to time, to regulate all or any of the duties of the offices of King's remembrancer in Scotland, lord treasurer's remembrancer in Scotland, auditor of Exchequer in Scotland, and receiver general of Scotland, and to consolidate, transfer, or regulate the duties of the said offices, and also to direct the exercise and performance of all or any of the powers and duties herein-before enumerated as heretofore exercised and performed by the said barons of Exchequer in Scotland, in such manner and under such regulations and conditions as the said commissioners of his Majesty's Treasury shall think fit ; any Act or Acts of Parliament, or any law, usage, custom, or authority, to the contrary notwithstanding.

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Management and collection of assessed taxes and land tax in Scotland to be under direction of the commissioners for the affairs of taxes, &c.

IV. AND be it enacted, that from and after the passing of this Act the execution of the said recited Acts, in relation to the management and collection of the assessed taxes and land tax of Scotland, shall be under the management and direction of the said commissioners for the affairs of taxes for the time being ; and it shall be lawful for the said commissioners to order and direct in relation to the division, or union, or arrangement of the several counties, stewartries, cities, burghs, and districts in Scotland, for the purpose of the collection of the said assessed taxes, and land tax respectively, and the surveying, assessing, levying, and collecting the same, to settling the accounts of collectors, and to all fines, penalties, and forfeitures, and to compositions and allowances to informers, due or payable or arising in relation thereto, and in all other matters concerning the same, in such manner and to the same

effect as the said barons of the Court of Exchequer might have ordered and directed or allowed; and the several collectors and other persons now employed or hereafter to be employed under and in the execution of the said recited Acts, in relation to the said taxes, shall be subject to the order, controul, and directions of the said commissioners for the affairs of taxes, in all things relating thereto, in the same manner as by the said recited Acts or any of them they were heretofore under the said barons of Exchequer.

V. AND be it enacted, that it shall be lawful for the said commissioners for the affairs of taxes, or for the comptroller of taxes in Scotland, or any other person to be authorized and appointed by the said commissioners for the affairs of taxes, to order such process to issue against any person who shall be in arrear in the payment of the taxes due by him or her, or against any collector or other officer who shall be in arrear in the accounting for or paying any sum or sums collected by them respectively, or be otherwise in default, or against the surety or sureties of such collector or other officer, in such and the like manner and to the same effect as by the said recited Acts in relation to the said assessed taxes and land tax is authorized and directed to issue for the recovery of any sum, arrears, or default due or committed under the said recited Acts or any of them.

Commissioners for affairs of taxes may order process to issue for arrears of taxes.

VI. PROVIDED always, and be it enacted, that the said commissioners for the affairs of taxes shall in all things relating to the execution of the duty of the said commissioners under this Act be subject to the authority, direction, and controul of the said lord high treasurer and commissioners of his Majesty's Treasury, and shall obey all such orders and instructions as shall have been or shall after the passing of this Act from time to time be issued to the said commissioners in that behalf by the lord high treasurer or any three or more of the commissioners of his Majesty's Treasury.

Commissioners for affairs of taxes to be subject to the controul of the Treasury.

\* \* \* \* \*

VIII. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to repeal or alter any Act or Acts, or any part of any Act or Acts, in force relating or having reference to the said assessed taxes and land tax in Scotland at the passing of this Act, or any other Act or Acts by this Act referred to or affected, excepting in so far as such Act or Acts is or are altered or repealed by this Act; nor shall anything herein contained impair or affect, or be construed in any manner to impair or affect, the legal jurisdiction of his Majesty's Court of Exchequer in Scotland; and that all debts, duties, and revenues, and all fines, penalties, and forfeitures, which might have at the passing of this Act legally been sued for, prosecuted, and recovered in the said Court of Exchequer, according to the practice of the said court, shall continue to be sued for, prosecuted, and recovered in the said court as heretofore; any thing in this Act to the contrary notwithstanding.

All the recited Acts, &c. to remain in force, except in so far as they are hereby altered or repealed.

Judicial powers of the barons of Exchequer specially saved.

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## CHAPTER XIV.

AN ACT to enable Depositors in Savings Banks, and others, to purchase Government Annuities through the Medium of Savings Banks; and to amend an Act of the Ninth Year of His late Majesty, to consolidate and amend the Laws relating to Savings Banks.[\*] [10th June 1833.]

9 Geo. 4. c. 92.

**W**HEREAS an Act was passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate and amend the laws relating to savings banks," and it is expedient to alter and amend the same, and also to enable depositors in savings banks, and others, to lay out their funds in the purchase of immediate or deferred life annuities, as well as immediate or deferred annuities for a certain term of years, and that provisions should be made for carrying the said measures into effect as herein-after expressed: . . . . .

\* \* \* \* \*

Commissioners for reduction of national debt may sell, &c. bank annuities, &c. standing in their names pursuant to 9 Geo. 4. c. 92. and 10 Geo. 4. c. 56., and purchase other bank annuities, &c. in lieu thereof.

XXV. AND be it further enacted, that it shall be lawful for the said commissioners for the reduction of the national debt from time to time, and as they shall think fit, to sell and dispose of the bank annuities and Exchequer bills, or any part thereof, which may be now standing or may hereafter stand in their names in the books of the Bank of England, in pursuance of the said Act made and passed in the ninth year of the reign of King George the Fourth, intituled "An Act to consolidate and amend the laws relating to savings banks," and of the said Act made and passed in the tenth year of the reign of his said late Majesty George the Fourth, intituled "An Act to consolidate and amend the laws relating to friendly societies," and with the proceeds thereof to purchase in lieu thereof any other description of bank annuities, or annuities for terms of years, or Exchequer bills.

\* \* \* \* \*

Executors, &c. of officers of savings banks to pay money due to savings banks before any other debts.

XXVIII. AND be it further enacted, that if any person already appointed under the provisions of the said Act made and passed in the ninth year of the reign of his late Majesty King George the Fourth, or who may hereafter be appointed to any office in a savings bank, or in a society established under this Act, and being intrusted with the keeping of the accounts, or having in his hands or possession, by virtue of his said office or employment, any monies or effects belonging to such savings bank or society, or any deeds or securities relating to the same, shall die, or become a bankrupt or insolvent, or have any execution or attachment or other process issued against his lands, goods, chattels, or effects, or make any assignment thereof for the benefit of his creditors, his executors, administrators, or assignees, or other persons having legal right, or the sheriff or other officer executing such process, shall, within

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[\* The sections printed are rep., 26 & 27 Vict. c. 87. s. 1., with a proviso in sect. 68. that that Act shall not be held to repeal any of the existing statutes relating to savings banks in so far as relates to post office savings banks established or to be established under 24 & 25 Vict. c. 14., nor to repeal any of the powers and authorities vested by those Acts in the commissioners for the reduction of the national debt in regard to the control, management, investment, conversion, and regulation of the funds remitted by the trustees of savings banks or by the trustees of friendly societies to the said commissioners.]

forty days after demand made by two of the trustees of the said savings bank or society as aforesaid, deliver and pay over all monies and other things belonging to such savings bank or society to such person as the said trustees shall appoint, and shall pay out of the estates, assets, or effects of such person all sums of money remaining due which such person received by virtue of his said office or employment, before any other of his debts are paid or satisfied, or before the money directed to be levied by such process as aforesaid is paid over to the party issuing such process; and all such assets, lands, goods, chattels, estates, and effects shall be bound to the payment and discharge thereof accordingly.

XXIX. AND be it further enacted, that from and after the twentieth day of November in the year of our Lord one thousand eight hundred and thirty-three so much of the said Act made and passed in the ninth year of the reign of King George the Fourth, as relates to depositors withdrawing their deposits and re-depositing the same, provided the sum invested does not in any one year exceed thirty pounds additional principal money, shall be and the same is hereby repealed; and that no money, whether such money shall have been previously withdrawn from such savings banks or not, shall at any time be received by the trustees or managers from any depositor, which shall in any one year ending on the twentieth day of November exceed the sum of thirty pounds.

So much of 9 Geo. 4. c. 92. as relates to withdrawing deposits and re-depositing repealed.

Not above 30l. to be received from any depositor in one year.

\* \* \* \* \*

## CHAPTER XV.

AN ACT to amend the Laws relating to Dramatic Literary Property.

[10th June 1833.]

WHEREAS by an Act passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled "An Act to amend the several Acts for the encouragement of learning by securing the copies and copyright of printed books to the authors of such books or their assigns," it was amongst other things provided and enacted, that from and after the passing of the said Act the author of any book or books composed, and not printed or published, or which should thereafter be composed and printed and published, and his assignee or assigns, should have the sole liberty of printing and re-printing such book or books for the full term of twenty-eight years, to commence from the day of first publishing the same, and also, if the author should be living at the end of that period, for the residue of his natural life: And whereas it is expedient to extend the provisions of the said Act: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the author of any tragedy, comedy, play, opera, farce, or any other dramatic piece or entertainment, composed and not printed and published by the author thereof or his assignee, or which hereafter shall be composed and not printed or published by the author thereof or his assignee, or the assignee of such author, shall have as his own property the sole liberty of representing, or causing to be represented, at any place or places of dramatic entertainment whatsoever, in any part of the United

54 Geo. 3. c. 156. s. 4.

The author of any dramatic piece or his assignee shall have as his property the sole liberty of representing it when not published;



and after publication for 28 years or during author's life.

Proviso as to cases where, previously to the passing of this Act, consent has been given to such representation.

Penalty on persons representing pieces contrary to this Act.

Limitation of actions.

Explanation of words.

Kingdom of Great Britain and Ireland, in the Isles of Man, Jersey, and Guernsey, or in any part of the British dominions, any such production as aforesaid, not printed and published by the author thereof or his assignee, and shall be deemed and taken to be the proprietor thereof; and that the author of any such production, printed and published within ten years before the passing of this Act by the author thereof or his assignee, or which shall hereafter be so printed and published, or the assignee of such author, shall, from the time of passing this Act, or from the time of such publication respectively, until the end of twenty-eight years from the day of such first publication of the same, and also, if the author or authors, or the survivor of the authors, shall be living at the end of that period, during the residue of his natural life, have as his own property the sole liberty of representing, or causing to be represented, the same at any such place of dramatic entertainment as aforesaid, and shall be deemed and taken to be the proprietor thereof: Provided nevertheless, that nothing in this Act contained shall prejudice, alter, or affect the right or authority of any person to represent or cause to be represented, at any place or places of dramatic entertainment whatsoever, any such production as aforesaid, in all cases in which the author thereof or his assignee shall, previously to the passing of this Act, have given his consent to or authorized such representation; but that such sole liberty of the author or his assignee shall be subject to such right or authority.

II. AND be it further enacted, that if any person shall, during the continuance of such sole liberty as aforesaid, contrary to the intent of this Act or right of the author or his assignee, represent, or cause to be represented, without the consent in writing of the author or other proprietor first had and obtained, at any place of dramatic entertainment within the limits aforesaid, any such production as aforesaid, or any part thereof, every such offender shall be liable for each and every such representation to the payment of an amount not less than forty shillings, or to the full amount of the benefit or advantage arising from such representation, or the injury or loss sustained by the plaintiff therefrom, whichever shall be the greater damages, to the author or other proprietor of such production so represented contrary to the true intent and meaning of this Act, to be recovered, together with double costs of suit, by such author or other proprietors, in any court having jurisdiction in such cases in that part of the said United Kingdom or of the British dominions in which the offence shall be committed; and in every such proceeding where the sole liberty of such author or his assignee as aforesaid shall be subject to such right or authority as aforesaid, it shall be sufficient for the plaintiff to state that he has such sole liberty, without stating the same to be subject to such right or authority, or otherwise mentioning the same.

III. PROVIDED nevertheless, and be it further enacted, that all actions or proceedings for any offence or injury that shall be committed against this Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of no effect.

IV. AND be it further enacted, that whenever authors, persons, offenders, or others are spoken of in this Act in the singular number or in the masculine gender, the same shall extend to any number of persons and to either sex.

## CHAPTER XXII.

AN ACT to amend the Laws relating to Sewers.

[28th June 1833.]

WHEREAS an Act was passed in the twenty-third year of the reign of <sup>23 Hen. 8. c. 5.</sup> his Majesty King Henry the Eighth, concerning commissions of sewers to be directed into all parts within the then realm of England, including the principality of Wales, in the manner and according to the form, tenor, and effect in the said Act set forth, and which said Act was made perpetual by an Act passed in the third and fourth years of the reign of his Majesty King Edward the Sixth, intituled "An Act for the continuance of the statute of <sup>3 & 4 Edw. 6. c. 8.</sup> "sewers," and was amended and altered by an Act passed in the thirteenth year of the reign of her Majesty Queen Elizabeth, intituled "An Act for the <sup>13 Eliz. c. 9.</sup> "commission of sewers": And whereas great difficulty, inconvenience, and expence are found to arise by reason that the laws relating to sewers are in many respects defective: And whereas doubts have arisen as to the extent of the powers given to the commissioners of sewers by the said recited Acts and the commissions issued in pursuance thereof, and particularly as to the legal mode of conducting inquiries by means of juries impannelled and returned by sheriffs, bailiffs, and other returning officers under the authority of the said recited Acts, and also as to the legal power of courts of sewers to decree and order new works to be made and executed for the better defending, draining, sewing, and securing the lands within the limits of their respective commissions, and to grant, impose, and levy rates, taxes, scots, or assessments for or in respect of such new works, and to decree and order the taking up and borrowing of money at interest to repay the costs and charges of such new or any extraordinary or other works, so as to charge and recover of and from the owners and occupiers for the time being of lands, tenements, and hereditaments the amount of money so borrowed or any part thereof, and thereby to distribute such costs and charges fairly and equitably among the parties who shall or may from time to time receive benefit or avoid damage by or from the same: And whereas it is expedient to increase the amount of qualification of commissioners of sewers, and that other provisions should be made for the better execution of the powers by law vested or to be vested in commissioners of sewers: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no person who has not already acted as a commissioner under any commission of sewers already issued shall be qualified or capable of becoming or acting as a commissioner in the execution of any commission of sewers unless such person shall be, in his own right or in right of his wife, in the actual possession or receipt for life or for a larger estate of the rents and profits of lands, tenements, or hereditaments situated in the county in which he shall act as a commissioner, or in any adjoining county, of freehold or copyhold tenure, or held for a term of not less than sixty years absolute, or determinable with a life or lives, of the clear yearly value of one hundred pounds above reprises, or held for a term of years originally granted for not less than twenty-one years, and of which ten years at the least shall then be unexpired, of the clear yearly value of two hundred pounds above reprises, or shall be heir apparent of a person possessed

Qualification  
of commis-  
sioners.

of freehold or copyhold lands, tenements, or hereditaments situated in such county as aforesaid, or in any adjoining county, of the clear yearly value of two hundred pounds above reprises, or unless such person shall be the agent duly appointed by writing under the seal of any body politic or corporate, or under the hand of any person not being himself present and acting as a commissioner in the execution of the commission of sewers under or by virtue of which such agent shall act, and which body politic or corporate shall for the time being be in the receipt of the rents and profits of freehold or copyhold lands, tenements, or hereditaments situated in such county as aforesaid, or in any adjoining county, and which person making such appointment shall for the time being be, in his own right or in right of his wife, in the actual possession or receipt of the rents and profits of freehold or copyhold lands, tenements, or hereditaments, situated in such county as aforesaid, or any adjoining county, and which lands, tenements, or hereditaments, whether so belonging to such body politic or corporate or to such other person, shall be actually taxed under or by virtue of the commission of sewers in respect whereof such agent shall act, and shall be of the clear yearly value of three hundred pounds above reprises, or unless such agent shall, before he acts, deliver his written appointment to the clerk to such commission of sewers, or his deputy, to be filed by such clerk among the records or proceedings of the commissioners acting in the execution of such commission: Provided always, that in cases where commissions of sewers run into more than one county, the qualification herein-before provided may be situated either partly in each of the counties into which such commission shall run, or wholly in any one of such counties: Provided that nothing in this Act contained shall extend to give a qualification to any person as agent after he shall have ceased to be such agent.

Quakers may act as commissioners, upon making affirmations.

II. AND be it further enacted, that if any person being a Quaker shall have been or shall hereafter be appointed a commissioner of sewers, and shall be in other respects qualified according to the provisions of the said recited Acts and of this Act, it shall be lawful for such person, on making his solemn affirmation to the effect of the oath prescribed by the said recited Act of the twenty-third year of the reign of King Henry the Eighth, before the person or persons who for the time being shall be empowered by law to administer such oath, and also upon his making and subscribing the affirmation directed by this Act, to act as a commissioner of sewers, without being subject or liable to any penalty or forfeiture imposed by the said last-recited Act for acting without having taken the oath therein contained.

Additional oath or affirmation to be taken or made by commissioners before acting.

III. AND be it further enacted, that every such commissioner before he shall act in the execution of his office shall, in addition to the oath prescribed by the said recited Act of the twenty-third year of the reign of King Henry the Eighth (or the affirmation in lieu thereof substituted by this Act in respect of any commissioner who shall be a Quaker), take and subscribe before the person or persons who for the time being shall be authorized to administer the oath prescribed by the said last-mentioned Act the following oath, or, being a Quaker, the following affirmation; videlicet,

‘ I do swear, [or, being one of the people called Quakers, do solemnly affirm,] that I truly and bonâ fide am in my own right [or in the right of my wife] in the actual possession and enjoyment of [or in the

‘ receipt for life, or for a larger estate, of the rents and profits issuing out of  
 ‘ lands, tenements, or hereditaments situate in the county of                      of  
 ‘ freehold or copyhold tenure, or held for a term of not less than sixty years  
 ‘ absolute, or determinable with a life or lives, of the clear yearly value of one  
 ‘ hundred pounds above reprises; or held for the unexpired term of  
 ‘ years, originally granted for                      years, of the clear yearly value of two  
 ‘ hundred pounds above reprises; [or am heir apparent of                      , who,  
 ‘ to the best of my knowledge, is seised of freehold or copyhold lands, tene-  
 ‘ ments, or hereditaments situate in the county of                      of the clear  
 ‘ yearly value of two hundred pounds above reprises;] [or am agent of  
 ‘                      , who [or which], to the best of my knowledge, is seised or  
 ‘ possessed in his or their own right] [or in the right of his wife] of free-  
 ‘ hold or copyhold lands, tenements, or hereditaments situate in the county  
 ‘ of                      , of the clear yearly value of three hundred pounds above  
 ‘ reprises.                      So help me GOD.’

[Or, being a Quaker, omit the words ‘ So help me God.’]

IV. AND be it further enacted, that if any person who has not already acted as a commissioner of sewers shall presume to act as a commissioner of sewers, not being qualified as aforesaid, or who shall have ceased to be qualified as aforesaid, or not having taken the oath, or, being a Quaker, made the solemn affirmation prescribed by this Act, every person wilfully so offending shall for every such offence forfeit and pay the sum of one hundred pounds to any person or persons who shall sue for the same, to be recovered, with full costs of suit, in any of his Majesty’s courts of record at Westminster, by action of debt or on the case, or by bill, plaint, suit, or information, wherein no essoign, protection, wager of law, or more than one imparlance shall be allowed; and the person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said penalty, without any other proof or evidence on the part of the prosecutor than that such person had acted as a commissioner in the execution of any commission of sewers: Provided nevertheless, that no act or proceeding touching the execution of any commission of sewers which shall be done or performed by any unqualified person previously to his being convicted of the offence of acting without being qualified as herein provided shall be thereby impeached or rendered nugatory, but all such acts and proceedings shall be as valid and effectual as if such person had been duly qualified.

Penalty on persons acting without being qualified, &c

Proceedings of commissioners not to be impeached on account of disqualification.

V. PROVIDED always, that any mayor, bailiff, or other officer appointed or authorized to act as a commissioner under any commission of sewers by virtue of his office shall and may, so long as he shall hold such office, act as a commissioner in the execution of such commission of sewers by virtue of such office, without being qualified as herein-before directed with regard to commissioners of sewers in general, and without being required to take and subscribe the oath or affirmation herein-before prescribed to be taken by commissioners of sewers in general with regard to their qualification, and without being liable to the forfeiture or penalty herein-before imposed upon commissioners of sewers in general for acting without being qualified as aforesaid, or without having taken such oath or affirmation, any thing herein-before contained to the contrary thereof in anywise notwithstanding: Provided also, that such mayor, bailiff, or other officer shall, before he acts, deliver a certificate,

Ex-officio commissioners may act without being qualified, &c. on delivering certificate.

under the hand of the town clerk or other legal officer of the corporation in respect of which such mayor, bailiff, or other officer shall or may act, to the clerk to the commission under which he shall so act as aforesaid, certifying that he is the mayor, bailiff, or other officer authorized to act as a commissioner under such commission.

Commissions to continue for 10 years, unless determined by issue of new commission or writ of super-sedeas.

VI. AND be it further enacted, that from and after the passing of this Act all and every commission and commissions of sewers then being in force, or that hereafter shall be granted and made, shall stand and continue in force for the term of ten years next ensuing the date of every such commission, notwithstanding any demise of the Crown of these realms during the existence of any such commission or commissions, unless the same commission or commissions be or thereafter shall be repealed or determined by reason of any new commission in that behalf made, or by writ of super-sedeas delivered out of the King's Court of Chancery, discharging any such commission or commissions.

Laws and decrees, &c. of court of sewers to continue in force notwithstanding expiration of commission, and although not engrossed in parchment, &c. or not certified into the Court of Chancery, &c.

VII. AND be it further enacted, that all laws, acts, decrees, constitutions, and ordinances made or to be made by any court of sewers, and duly registered in the rolls or books of such court by the clerk to the commission, shall continue in full force and effect, notwithstanding the expiration, repeal, or other determination of the commission under which such laws, acts, decrees, constitutions, and ordinances shall have been respectively made, and notwithstanding the same respectively shall not have been engrossed or written in parchment, and under the seals of the commissioners or any six of them, and notwithstanding the one part thereof shall not remain with the clerk to the commission, and the other part in such place as the said commissioners or six of them shall order or appoint, and notwithstanding the same shall not be certified into the King's Court of Chancery, and the King's royal assent had thereto respectively, until the same laws, acts, decrees, constitutions, and ordinances shall be altered, repealed, or made void by any subsequent court or courts of sewers in those parts or limits where the same laws, decrees, and ordinances were or shall be made and ordained, or by any six of them.

Regulations as to meetings of commissioners.

VIII. AND be it further enacted, that it shall be lawful for the said commissioners or any three or more of them, or for their clerk upon the direction in writing of any three or more of the said commissioners (and which he is hereby required to do on such direction), to appoint the first meeting of the said commissioners after the passing of this Act at such time and place as to them shall seem meet, and of which meeting ten clear days previous notice shall be given by advertisement in some newspaper of the county and generally circulated in that district thereof; and it shall be lawful for the said commissioners from time to time to meet at such time and place, and to adjourn to meet at any place or places and at such time or times, as the said commissioners or the major part of them present at any meeting shall appoint; and no order or determination shall be made unless the major part of the commissioners present shall concur therein; and all acts, orders, and proceedings which are directed or authorized to be made, done, or exercised by or before the said commissioners, and all the powers and authorities vested in them, shall and may be made, done, and exercised by the major part of the commissioners who shall be present at the said respective meetings, the whole number present not being less than six; and all acts, orders, or proceedings made, done, or executed

by or before such six commissioners shall have the same force and effect and be as binding and conclusive on all persons, to all intents and purposes whatsoever, as fully and effectually as if the same were made, done, or executed by or before the whole of the said commissioners; and a chairman shall and may in the first place be appointed at every meeting by a majority of the votes of the persons present, who in case of an equal number of votes (including the chairman's vote) shall have the casting or decisive vote.

IX. AND be it further enacted, that if after any adjournment of any meeting of the said commissioners it shall on any emergency be considered necessary or advisable that a special meeting should be appointed for an earlier day than the day for which any meeting shall stand by adjournment as aforesaid, then and in such case it shall be lawful for the said commissioners or any three or more of them, or for their clerk upon the direction in writing of any three or more of the said commissioners (and which he is hereby required to do on such direction), to appoint a special meeting for an earlier day, and of which meeting, and of the time and purpose thereof, ten clear days previous notice shall be given by advertisement in some newspaper of the county and generally circulated in that district thereof; and no other business shall be transacted on any such special meeting but that which shall have been specified in such notice as aforesaid: Provided nevertheless, that in the event of any imminent danger being apprehended from unusually high tides or any other cause, and that in the judgment of two or more of the said commissioners the exigency of the case will not admit of the delay of ten clear days previous notice of a special meeting, it shall and may be lawful for any two or more of the said commissioners, or for their clerk upon the direction in writing of any two or more of the said commissioners (and which he is hereby required to do on such direction), to convene, by circular letter sent to each acting commissioner, a special meeting for as early a day as the said two or more commissioners shall think fit in their discretion to appoint, such letters to specify the particular object for which such meeting is convened; and no business shall be transacted thereat but that which strictly relates to such object.

Special meetings on emergencies may be convened on ten days notice.

On certain occasions special meetings may be convened by two commissioners on a shorter notice.

X. AND whereas doubts have arisen as to the extent of the jurisdiction of commissioners of sewers: Be it therefore further enacted and declared, that all walls, banks, culverts, and other defences whatsoever, whether natural or artificial, situate or being by the coasts of the sea, and all rivers, streams, sewers, and watercourses which now are or hereafter shall or may be navigable, or in which the tide now does or hereafter shall or may ebb and flow, or which now do or hereafter shall or may directly or indirectly communicate with any such navigable or tide river, stream, or sewer, and all walls, banks, culverts, bridges, dams, floodgates, and other works erected or to be erected in, upon, over, or adjoining to any such rivers, streams, sewers, or watercourses, shall be from henceforth, to all intents, constructions, and purposes, within and subject to the jurisdiction of commissioners of sewers: Provided always, that nothing herein contained shall authorize or empower any commissioners of sewers to exercise authority or jurisdiction upon or over any dams, floodgates, or other works erected for the purpose of ornament, previous to the passing of this Act, in, upon, or over any rivers, streams, ditches, gutters, sewers, or watercourses near or contiguous to any house or building, or in any garden, yard,

Description works under the jurisdiction of commissioners of sewers.

Consent of owner required to jurisdiction in certain cases.

paddock, park, planted walk, or avenue to a house, without the consent in writing of the owner or proprietor thereof respectively first had and obtained.

Inquiry and  
presentment by  
juries in courts  
of sewers.

XI. AND be it further enacted, that in all cases in which any court of sewers shall inquire by jury of or concerning all or any of the matters and things authorized and directed to be inquired into and presented under and by virtue of the said recited Acts, and the laws of sewers of old time accustomed, or of this Act, it shall and may be lawful for commissioners of sewers, or any six or more of them, to issue a warrant or precept under their hands and seals to the sheriff, bailiff, or other returning officer or officers of every county-at large, cinque port, city, town, liberty, precinct, or place within the limits of such commission, commanding such sheriff, bailiff, or other returning officer or officers to impanel, summon, and return, and he and they is and are hereby required, on receiving such warrant or precept, to impanel, summon, and return, at such time and place as in such warrant or precept shall be expressed, a jury of not exceeding forty-eight nor less than eighteen substantial and indifferent persons within his or their respective jurisdiction, qualified and usually summoned to serve on grand juries in courts of sessions of the peace; and the persons so to be impanelled, summoned, and returned as aforesaid are hereby required to appear before the said commissioners at such court of sewers to be holden within and for the limits of any and every such commission of sewers, or at some adjournment thereof, as in such warrant or precept shall be directed, and to attend such court, and at any and every adjournment thereof, until discharged by the said court; and the said jury shall be sworn in open court before the commissioners, and shall be charged by them to take their inquisition and to make and return their presentments of and concerning all matters and things authorized and directed to be inquired into and presented under and by virtue of the said recited Acts, and the law of sewers of old time accustomed, and of this Act; and the said jury, being so impanelled, sworn, and charged as aforesaid, shall proceed in their inquiry before and in the presence of the court, upon the evidence of one or more credible witness or witnesses, delivered upon oath or affirmation, in the same manner and form, and subject to the like rules of taking and receiving evidence, as is usual in his Majesty's courts of common law; and the said commissioners may cause to be summoned to appear before them at the time and place of holding their respective courts of sewers aforesaid, and at every adjournment of any court, all clerks, keepers, bailiffs, engineers, surveyors, collectors, expeditors, and other their ministers and officers of sewers, and such other persons as in the judgment of such commissioners shall be competent to give proper evidence and information to the court and jury in the premises; and notice of the time and place of taking such inquisition shall be given by affixing to the principal door of each and every of the churches and chapels in the several parishes, townships, or places, in which the rivers, streams, ditches, sewers, watercourses, walls, banks, culverts, and other works, lands, tenements, and hereditaments, common of pasture and profit of fishing, and other matters and things to be inquired into or that may be affected thereby, shall lie, be, or arise, or if there be no church, then to some conspicuous place within such parish, township, or place, a printed or written paper specifying such time and place of meeting, and signed by the clerk to the court before whom such inquisition is to be taken, at least seven days before the taking of such inquisition, and also by

inserting, at least seven days before the taking thereof, such notice once at the least in one or more of the newspapers published or circulated in or near to the limits of the commission of sewers under authority whereof such inquisition shall be taken.

XII. AND forasmuch as there are in many counties at large cities and towns being counties of themselves, cinque ports, hundreds, liberties, and precincts, having jurisdiction exclusive of the sheriffs, bailiffs, or other returning officers of such counties at large; and it may happen that in the inquiries and presentments of and concerning any matters and things affecting or relating to lands or tenements lying partly in such county at large, and partly in such minor jurisdiction, authorized and directed to be inquired into and presented under or by virtue of the said recited Acts, and the law of sewers of old time accustomed, and of this Act, the jury returned by the sheriff or other returning officer of such county at large, and the jury returned by the sheriff or other returning officer of such minor jurisdiction, may come to opposite or different conclusions, or make opposite or different presentments of or concerning such matters and things as aforesaid, and in such case the powers of the court of sewers may thereby become ineffectual or difficult to be carried into effect: Be it therefore enacted, that in any case in which a jury returned by the sheriff or other returning officer of a county at large, and the jury returned by the sheriff or other returning officer of any such minor jurisdiction, shall, in the judgment of the said court, come to opposite or different conclusions, or make opposite or different presentments of or concerning any matters or things affecting or relating to any lands or tenements lying partly in such county at large and partly in any such city or town and county of the same, cinque port, hundred, liberty, or precinct within such county at large, it shall and may be lawful for such court of sewers thereupon, or at any time thereafter, to issue a warrant or precept, as well to the sheriff, bailiff, or other returning officer of such county at large, as to the sheriff, bailiff, or other returning officer of such city or town and county of the same, cinque port, hundred, liberty, or precinct, commanding them respectively to impanel, summon, and return, and he and they is and are hereby required, on receiving such respective warrant or precept, to impanel, summon, and return, at such time and place (although out of the jurisdiction of such respective sheriff, bailiff, or other returning officer,) as in such warrant or precept shall be expressed, a sufficient number, not exceeding eighteen nor less than nine substantial and indifferent persons within his jurisdiction, and not having composed part of the juries respectively which shall have previously differed in respect of the matters or things aforesaid, and out of each panel so to be returned the names of nine persons shall be drawn by the clerk of such court of sewers or his deputy in such manner as juries for trials of issues joined in his Majesty's courts of record at Westminster are by law directed to be drawn; and the said eighteen jurymen shall thereupon be sworn and charged to take their inquisition and to make and return their presentment of and concerning the aforesaid matters and things; and which presentment so taken and made shall be as conclusive in all respects as if the same matters and things had been inquired of as to lands or tenements lying within such county at large by a separate jury of such county at large, and as to lands or tenements lying within such city or town and county

Where juries for county at large and minor jurisdiction come to different conclusions, a jury may be impanelled in part from the county at large and in part from the minor jurisdiction.



of the same, cinque port, hundred, liberty, or precinct, by a separate jury thereof.

Presentment of jury to repair not to be necessary upon each occasion.

XIII. AND whereas doubts have arisen whether a presentment of a jury is not necessary on each and every occasion to repair defences and works within the jurisdiction of commissioners of sewers: Be it therefore enacted, that whenever, under any commission now in force or which shall hereafter issue, a jury shall have found and presented that any person, body politic or corporate, is or are liable to and ought to maintain and repair or contribute to the maintenance and repair of any defence, wall, bank, sewer, or other work within the jurisdiction of the commission of sewers, acting under or by virtue of such commission; in respect of any lands, tenements, or hereditaments, or common of pasture, or profit of fishing, it shall not afterwards, during the continuance of such commission, be necessary to inquire by jury and obtain a presentment upon any subsequent wants of amendment and reparation of the same defences, walls, banks, sewers, or works, or any of them, but such person, body politic or corporate, so presented as aforesaid, and the owners and occupiers for the time being of such lands, tenements, or hereditaments, or common of pasture, or profit of fishing, shall be liable from time to time to maintain and repair or contribute to the maintenance and repair of such defences, walls, banks, sewers, and other works, according to such presentment; and it shall and may be lawful for the commissioners of sewers to decree, order, and direct the same to be maintained and repaired by such person, body politic or corporate, from time to time during the continuance of such commission accordingly.

Separate rates may be made and officers appointed, &c. for every distinct level or district.

XIV. AND be it further enacted and declared, that it shall be lawful for the said commissioners to make separate and distinct rates, as occasion shall require, for every separate and distinct level, valley, or district, or any part of such level, valley, or district, within their respective commissions, and to fix and specify the limits of every such level, valley, or district, or of any such part of a level, valley, or district, and to appoint surveyors, collectors, treasurers, expeditors, and other officers for every such level, valley, or district, or any part thereof respectively, whenever the said commissioners shall think fit so to do, and to cause separate and distinct accounts to be kept of all monies collected and received by virtue of any rate or rates which shall be made, under the authority of the said recited Acts relating to sewers, or of this Act, upon any lands or hereditaments within any such level, valley, or district, or any part thereof respectively, and of all payments and disbursements in respect thereof; and the said commissioners are hereby also authorized to apply the monies to be collected and received from each distinct level, valley, or district, or any part thereof respectively, by virtue of any such rate or rates as aforesaid, to and for the several purposes to which the same may be lawfully applied under the authority of the said recited Acts or of this Act, but so nevertheless that each level, valley, or district, and every part of such level, valley, or district, shall bear its own costs, charges, and expences; and in case any such costs, charges, and expences shall apply to or be incurred in respect of two or more levels, valleys, or districts, or parts thereof respectively, the same shall be apportioned and divided between such levels, valleys, and districts, or such parts thereof respectively, in such manner as the said commissioners shall adjudge to be fair and equitable.

XV. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to release or discharge any person, body politic or corporate, from any liability to which such person, body politic or corporate, was or were before the passing of this Act subject by reason of tenure, frontage, prescription, custom, covenant, or grant; but in case any such person, body politic or corporate, shall not keep in good and proper repair any walls, banks, sewers, guts, gotes, calcies, tunnels, culverts, sluices, flood-gates, tumbling bays, cuts, and other works, aids, and defences, to which he, she, or they may be liable by reason of any such tenure, frontage, prescription, covenant, or grant, and shall not, after having had seven days notice from the surveyor, dikereeve, or other officer to be appointed by the court of sewers for that purpose, proceed to put the same into good and proper repair with all reasonable and proper despatch, then and in that case it shall be lawful for such surveyor, dikereeve, or officer to put the same into good and sufficient repair; and the expences to be incurred thereby shall be paid by the person, body politic or corporate, liable to such repair as aforesaid.

Nothing in this Act shall discharge persons from liability by tenure, &c.

XVI. AND be it further enacted and declared, that any court shall and may, at its discretion, by and out of the taxes, rates, and scots to be raised under and by virtue of the said recited Acts and this Act, or any or either of them, decree, order, and appoint, pay and allow, to clerks and other persons employed by the court, and also to witnesses attending to give evidence before the said court, either in support of any presentment or order of the court, or in opposition to such presentment or order, such recompence, sum and sums of money, from time to time, for their several expences and loss of time, as to the said court shall seem just, and also all such costs, charges, and expences as shall be incurred in surveying, measuring, planning, and valuing the lands and hereditaments, or otherwise preparatory to or in or about the making, collecting, and expending such taxes, rates, or scots as aforesaid, or the hearing of objections to such taxes, rates, or scots, or in or about the carrying on of any litigation or controversy arising out of the duties imposed on the courts of sewers by virtue of the recited Acts or of this Act, and for the payment of all other necessary allowances, charges, and expences of putting the recited Acts and this Act into execution, and the contingent expences of working the said commissions of sewers respectively.

Payment of expences of clerks, &c. and witnesses, and costs of surveying, &c.

XVII. PROVIDED always, and be it enacted, that nothing herein contained shall prevent any court of sewers, from time to time and at any time during the continuance of the commission of sewers, from causing inquiry and presentments to be made by jury of and concerning the aforesaid matter and things, or any other matter, cause, or thing, to be inquired into and presented upon, by the ways and means herein-before provided, or by such other ways and means as they were authorized by ancient custom and usage or otherwise to do before the passing of this Act, or to abridge or invalidate any powers or authorities usually heretofore exercised by any commissioners of sewers in their respective limits not herein expressly abrogated or altered.

Nothing in this Act shall preclude courts of sewers from causing inquiry and presentments by jury as before, &c.

XVIII. AND whereas persons frequently remove from and give up the possession of lands, tenements, and hereditaments, before deriving the full benefit of the outlay of the last scot or rate assessed or imposed upon them in respect thereof under or by virtue of the law of sewers, and it is just and

Apportionment  
of rates be-  
tween outgoing  
and incoming  
tenants.

reasonable that the persons who succeed them in the possession thereof should be subject to a proportion of such rate: Be it therefore enacted, that where any person shall come into or occupy any lands, tenements, or hereditaments, out of or from which any other person assessed as aforesaid shall be removed, and also when any lands, tenements, or hereditaments shall at the time of making such scot or rate be empty or unoccupied, then every person so rated or assessed and removing from, and every person so coming into or occupying the same, shall be liable to pay such scot or rate in proportion to the time that such persons respectively occupied the same lands, tenements, or hereditaments, in the same manner, and under the like penalty of distress, as if such person so removing had not removed, or such person so coming in or occupying had been originally rated and assessed in such scot or rate; and which said proportion, in case of dispute between the parties, shall be ascertained and settled by any court of sewers: Provided always, that no outgoing tenant shall be entitled to have or claim any larger amount of rate than shall have been actually paid by him, and not repaid by his landlord.

Commissioners  
may make and  
maintain new  
works, and  
abandon old  
works.

XIX. AND be it further enacted and declared, that it shall and may be lawful for any court of sewers to decree and ordain any new walls, banks, sewers, guts, gotes, calcies, bridges, tunnels, culverts, sluices, floodgates, tumbling bays, cuts, or other works, aids, and defences, or any alteration in the gauge, dimension, course, direction, or situation of any old or existing walls, banks, rivers, sewers, guts, gotes, calcies, bridges, tunnels, culverts, sluices, floodgates, tumbling bays, cuts, and other works, aids, and defences to be constructed, made, and done for the more effectually defending and securing any lands, tenements, hereditaments, and premises within the jurisdiction of such court against the irruption or overflowing of the sea, or for draining and carrying off the superfluous fresh waters, according to the wisdom and discretion of such court, and also, in like manner and at their discretion, to decree and ordain any former walls or defences against the sea, or against any rivers, streams, sewers, or watercourses, within their commission, to be abandoned and given up, and new defences and walls, banks, sluices, floodgates, tumbling bays, cuts, and other works to be made and continued in lieu thereof; and in every such case to direct by inquiry and presentment of a jury in what manner and proportions the same shall thereafter be repaired and maintained by the person, body politic or corporate, deriving advantage or avoiding damage thereby or therefrom, having regard to previous liabilities in respect of the walls and defences so to be abandoned and given up.

This Act not  
to interfere  
with provisions  
of 16 Geo. 3.  
c. 62. as to the  
river Stour and  
Sandwich  
haven in Kent.

XX. PROVIDED always, and be it further enacted, that nothing herein-before contained shall be construed to authorize or empower the commissioners acting under any commission of sewers for the county of Kent, or any limits or district within the same, to decree or ordain any wall, bank, sewer, gut, cut, gote, calcey, sluice, floodgate, tumbling bay, or other work, aid, or defence to be constructed, made, or done for conveying the waters of the river Stour, above Sandwich bridge in the county of Kent, into the part of Sandwich haven below the bridge, or into the sea at Pegwell bay, not authorized by an Act passed in the sixteenth year of the reign of his late Majesty King George the Third, intituled "An Act to enable the commissioners of sewers for the several limits in the eastern parts of the county of Kent more effectually to drain and improve the lands and grounds within the general valleys," or so

as in any manner to affect, alter, or interfere with the provisions of the said Act for the preventing of prejudice to Sandwich haven.

XXI. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to authorize or empower any court of sewers to make any new walls, banks, sewers, guts, gotes, calcies, sluices, floodgates, tumbling bays, cuts, or other works, aids, and defences, where none have or hath or shall have theretofore been, without the consent in writing, certified to such court of sewers, of the owners and occupiers respectively, or their respective husbands, guardians, trustees or feoffees, committees, executors, or administrators, of three fourth parts at the least in value of the lands and hereditaments lying within the valley, level, or district proposed to be charged with the costs and expences of making and executing such new works respectively.

No new works to be made without the consent of the owners and occupiers of three fourth parts in value of the lands to be charged.

XXII. AND be it further enacted, that it shall and may be lawful for the occupier for the time being of land lying next and adjoining to any river, sewer, or watercourse within and subject to the jurisdiction of commissioners of sewers, at any time within six calendar months from and after any gravel, soil, mud, or earth shall have been cast or deposited upon the banks of such river, sewer, or watercourse, by the order of any surveyor, bailiff, expeditor, or other officer of sewers, and at any time within six weeks from and after any rushes, flags, or other weeds shall have been cast or deposited upon such banks as aforesaid, to take and remove for his own use such gravel, soil, mud, and earth, and such rushes, flags, and weeds respectively: Provided always, that such gravel, soil, mud, and earth, and such rushes, flags, and weeds respectively, shall be removed at least ten feet from the land side of the banks of such river, sewer, or watercourse.

Occupiers of land adjoining sewers may take away soil and weeds from banks for their own use.

XXIII. AND be it further enacted, that if any such occupier shall neglect to remove such gravel, soil, mud, or earth as aforesaid within such six calendar months as aforesaid, or such rushes, flags, or other weeds as aforesaid within such six weeks as aforesaid, for his own use, then and from thenceforth respectively it shall be lawful for any such surveyor, bailiff, expeditor, or other officer of sewers, with workmen, horses, carts, carriages, barrows, and other necessary tools and implements, at any time or times in the day-time to enter upon the land of such occupier, and to take away and remove therefrom such gravel, soil, mud, and earth, and such rushes, flags, and weeds respectively, and also for such purposes to pass and repass, at any time or times in the day-time, through and over any other lands lying between the nearest highway and the banks of such river, sewer, or watercourse: Provided always, that if the owner or occupier of the land upon which any such gravel, soil, mud, earth, rushes, flags, or weeds shall have been deposited shall require the commissioners of sewers to remove the same, such commissioners shall, within six weeks after such requisition as aforesaid, cause the same to be removed from and off the said land.

Upon neglect of occupiers to remove soil and weeds, surveyors may remove the same.

XXIV. AND be it further enacted, that it shall be lawful for any court of commissioners of sewers to treat, contract, and agree with the owners of and persons interested in any messuages, lands, tenements, hereditaments, and premises, with their appurtenances, for the purchase thereof or of any part thereof, for the purpose of widening, deepening, strengthening, maintaining, repairing, and amending any rivers, streams, watercourses, walls, banks, and

Commissioners may contract for the purchase of lands, &c.

other works, aids, and defences within the jurisdiction of commissioners of sewers, and for the loss or damage which such owners or persons may sustain thereby respectively ; and it shall be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole, tenants for life or in tail, husbands, guardians, trustees, feoffees in trust, executors, administrators, and all other persons whomsoever, not only for or on behalf of themselves, their heirs and successors, but also for or on behalf of the person entitled in reversion, remainder, or expectancy after them, and for or on behalf of their cestuique trusts, whether females covert, infants, or issue unborn, lunatics, idiots, or other person whomsoever, and to and for all females covert who are or shall be seised of or interested in their own right, and to and for every person whomsoever who is or shall be possessed of or interested in any such lands, tenements, hereditaments, or premises, or who shall sustain any damage as aforesaid, to contract with the said commissioners for the sale thereof respectively, or for the satisfaction to be made for the same or for such damage as aforesaid, and by conveyance to convey unto the said commissioners all or any of such messuages, lands, tenements, hereditaments, or premises, or any part thereof, for the purposes aforesaid, in manner herein-after mentioned ; and all contracts, sales, and conveyances which shall be so made shall be good, valid, and effectual, to all intents and purposes, without fine or recovery, and shall be a complete bar to all estates tail, and other estates, rights, titles, trusts, and interests whatsoever, any law, statute, usage, custom, or other matter to the contrary notwithstanding ; and all such bodies politic, corporate, or collegiate, corporations aggregate or sole, tenants for life or in tail, husbands, guardians, trustees, feoffees, committees, executors, administrators, and all other persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

Form of conveyance to commissioners.

XXV. AND be it further enacted, that all such conveyances of any lands, tenements, or hereditaments to be purchased by the said commissioners of sewers shall be expressed in the following or some similar form of words, as the circumstances of the case may require :

‘ I of in consideration of the sum of  
 ‘ to me paid by six or more of the commissioners of sewers acting in and  
 ‘ for several limits [here describe the limits as set forth in the commission of  
 ‘ sewers], do hereby grant and release to the commissioners of sewers acting  
 ‘ in and for the said limits all [describing the premises to be conveyed], and  
 ‘ all my right, title, and interest in and to the same and every part thereof,  
 ‘ to hold to the said commissioners, their successors and assigns for ever, by  
 ‘ virtue of the several Acts and laws now in force concerning sewers. In  
 ‘ witness whereof I have hereto set my hand and seal this day  
 ‘ of in the year of our Lord .’

Where persons neglect or refuse to treat, &c. commissioners may issue their warrant to the sheriff to impanel a jury, who shall assess the purchase money

XXVI. AND be it further enacted, that if any such body politic, corporate, or collegiate, corporations aggregate or sole, tenants for life or in tail, husbands, guardians, trustees or feoffees, committees, executors, administrators, or any other person interested in any such lands, tenements, hereditaments, or premises, or sustaining any damage as aforesaid, upon notice to him or them given, or left in writing at the dwelling house or place of abode of such person, or of the principal officer of any such bodies politic, corporate, or collegiate, corporations aggregate or sole, tenants for life or in tail, or at the

house of the tenant in possession of any such lands, tenements, hereditaments, or premises, shall, for the space of thirty days next after such notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the premises, or by reason of absence shall be prevented from treating, then and in every such case the said commissioners of sewers, or any six or more of them, are hereby empowered from time to time to issue out their warrant or warrants under their hands and seals to the sheriff, bailiff, or other returning officer of the county or place wherein the matter in question shall lie, or if such sheriff, bailiff, or other returning officer shall be immediately interested in such matter, then to one of the coroners of such county or place, commanding such sheriff, bailiff, or other returning officer, or coroner, to impanel, summon, and return a jury; and the said sheriff, bailiff, or other returning officer, or coroner, is hereby required accordingly to impanel, summon, and return twenty-four men, qualified according to the laws of this realm to be returned for trials of issues joined in his Majesty's courts at Westminster; and the persons so to be impanelled, summoned, and returned are hereby required to come and appear before the justices of the peace for the county or place in which such lands, tenements, hereditaments, or premises shall lie, or the matter in question or dispute shall arise, at some court of general or quarter sessions of the peace to be holden in and for the same county or place, or at some adjournment thereof, as in such warrant or warrants shall be appointed, in order that out of them a jury of twelve may be sworn to inquire touching the matters in question; and in case a sufficient number of jurymen shall not appear at such time and place, the said sheriff, bailiff, or other returning officer, or coroner, shall return other honest and indifferent men that can speedily be procured to attend that service, to make up the said jury to the number of twelve; and all parties concerned may have their lawful challenges against any of the said jurymen; and the clerk of the peace for the said county or place, or his deputy, is hereby empowered and required to summon before the said justices all such persons as shall be thought necessary to be examined as witnesses touching the matters in question, and may order and authorize the said jury, or any six or more of them, to view the place or places or matters in controversy; which jury (upon their oaths, to be administered by the said justices, which oaths, as also the oath to such person as shall be called upon to give evidence, the said justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the sum or sums of money to be paid for the purchase of such lands, tenements, or hereditaments, or the recompence to be made for damages that may or shall be sustained as aforesaid, and to settle and ascertain in what proportions the sum or sums of money so assessed shall be paid to the several persons interested in the premises; and the said justices shall give judgment for such purchase monies or recompence so to be assessed by such juries; which said verdict, and the judgment thereupon pronounced as aforesaid, shall be binding and conclusive to all intents and purposes against all parties, bodies politic, corporate, and collegiate, and all persons whomsoever.

and recompence for damages.

XXVII. PROVIDED always, and be it further enacted, that if any such sheriff, bailiff, or other returning officer, or coroner, or his deputy or agent, shall make default in the premises, every such person shall for every offence forfeit the sum of twenty pounds; and if any person so summoned and returned as afore-

Commissioners may impose a fine on sheriff, jurymen, or witnesses making default.

said on such jury shall not appear, or appearing refuse to be sworn, or being sworn refuse to give his verdict, or in any other manner wilfully neglect his duty, contrary to the true intent of this Act, or if any person so summoned to give evidence shall not appear, or appearing refuse to be sworn or examined or to give evidence, every person so offending, having no reasonable excuse, to be allowed by the said justices, shall for every such offence forfeit and pay such sum as the said justices shall appoint, not exceeding the sum of five pounds for any one offence.

Agreements,  
&c. shall be  
delivered to  
the clerk of  
the sewers and  
filed ;

and may be  
inspected.

Payment of  
costs of jury  
and witnesses.

XXVIII. AND be it further enacted, that all the agreements, contracts, sales, and conveyances, and also all verdicts and judgments, which shall be made and given in relation to any such lands, tenements, and hereditaments as aforesaid, (such verdicts and judgments being certified by the clerk of the peace of the county or place in which such verdict and judgment shall have been given,) shall be delivered to and deposited with the clerk of the sewers for the county, limits, or district wherein such lands, tenements, or hereditaments are situate, and shall be filed with the rolls of the court or commissioners of sewers of such county, limits, or district ; and the same, or a true copy thereof, shall be admitted as evidence in all courts whatsoever ; and all persons shall have liberty to inspect the same, and take copies thereof, upon paying for every such inspection the sum of one shilling, and for every such copy not exceeding seventy-two words the sum of four-pence, and so in proportion for any greater number of words.

XXIX. AND be it further enacted, that in case any such jury or juries shall deliver a verdict for more money as a satisfaction for such lands, tenements, or property, or for any such loss or damage, than what shall have been offered by such commissioners for the same before the summoning or returning the said jury or juries, then and in such case the costs and expences of summoning and returning the said jury and witnesses, and all other expences attending the hearing and determining of such difference, shall be borne and paid by the said commissioners out of the same fund as the said purchase or compensation money is hereby directed to be paid ; and such costs and expences shall be ascertained and settled by an officer of one of his Majesty's superior courts of record at Westminster, to be nominated, in case of dispute, in the county of Middlesex by the lord chief justice of the Court of King's Bench, and in every other county by the senior judge of the gaol delivery for the time being ; but if any such jury or juries shall deliver a verdict for no more or for less money than shall have been offered by the said commissioners before the summoning such jury or juries, then such costs and expences (to be ascertained and settled in like manner) shall be borne and paid by the person with whom such commissioners shall have such controversy or dispute, and shall and may be levied by distress and sale of the goods and chattels of the person liable to pay the same, by warrant under the hands and seals of two justices of the peace for the county or place within which such verdict and judgment shall have been given ; and the overplus (if any), after such costs and expences and the charges of such distress and sale are deducted, shall be returned, upon demand, unto the owner of such goods and chattels.

From what  
fund purchase,  
and compen-  
sation monies  
are to be paid.

XXX. AND be it further enacted, that every sum of money and recompence to be agreed for or assessed as aforesaid shall be paid for out of any monies in the hands of the said commissioners which may be levied on the messuages,

tenements, lands, and hereditaments, which shall receive benefit or avoid damage by or from such widening, straightening, deepening, repairing, and amending as aforesaid, or by or from making and maintaining any new walls, banks, sewers, guts, gotes, calcies, sluices, floodgates, cuts, and other works, aids, and defences; and upon payment to such parties or persons, or their agents, or left at their respective usual places of abode, or with the tenant in possession of such lands, tenements, hereditaments, and premises, or into the Bank of England in manner directed by this Act (as the case may be), then such lands, tenements, hereditaments, and premises respectively shall be vested in such commissioners, and shall and may be taken and used for straightening, widening, deepening, repairing, and amending such rivers, streams, ditches, gutters, sewers, and watercourses, or for making and maintaining any new walls, banks, sewers, guts, gotes, calcies, sluices, floodgates, cuts, and other works, aids, and defences; and all parties and persons whomsoever shall be divested of all right and title to such lands, tenements, and hereditaments.

Lands, upon payment, shall vest in commissioners.

XXXI. AND be it further enacted, that if any money shall be agreed or assessed to be paid for the purchase of any lands, tenements, or hereditaments purchased, taken, or used by virtue of the powers of this Act, by any commissioners of sewers, which shall belong to any body politic, corporate, or collegiate, or to any feoffee in trust, executor, administrator, husband, guardian, committee, or other trustee, or for or on behalf of any infant, lunatic, idiot, feme covert, cestuique trust, or to any other person whose lands, tenements, or hereditaments are or may be limited in strict or other settlement, or to any person under any other disability or incapacity whatsoever, such money shall, in case the same shall amount to or exceed the sum of two hundred pounds, with all convenient speed be paid into the Bank of England in the name and with the privity of the accountant general of the Court of Exchequer, to be placed to his account there ex parte the commissioners of sewers for whom such lands, tenements, or hereditaments shall be taken, pursuant to the method prescribed by an Act passed in the first year of the reign of his late Majesty King George the Fourth, intituled "An Act for the better securing monies and effects paid into the Court of Exchequer at Westminster on account of the suitors of the said court, and for the appointment of an accountant general and two masters of the said court, and for other purposes," and the general orders of the said court, and without fee or reward; to the intent that such money shall be applied, under the direction and with the approbation of the said court, to be signified by an order made upon a petition to be preferred in a summary way by the person who would have been entitled to the rents and profits of the said lands, tenements, and other hereditaments, in the purchase or redemption of the land tax, or in the discharge of any debt or debts, or such other incumbrances, or part thereof, as the said court shall authorize to be paid, affecting the same lands, tenements, or hereditaments, or affecting other lands, tenements, or hereditaments standing settled therewith to the same or the like uses, trusts, intents, or purposes; or where such money shall not be so applied, then the same shall be laid out and invested, under the like direction and approbation of the said court, in the purchase of other lands, tenements, or hereditaments, which shall be conveyed and settled to, for, and upon such and the like uses, trusts, intents, and purposes, and in the same manner, as the lands, tenements, or hereditaments

Application of purchase money amounting to or exceeding 200*l*.

1 Geo. 4. c. 35.



which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the time of making such conveyance or settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such purchase shall be made the said money shall, by order of the said court, upon application thereto, be invested by the said accountant general in his name in the purchase of three pounds per centum consolidated or three pounds per centum reduced bank annuities; and in the meantime and until the said bank annuities shall be ordered by the said court to be sold for the purposes aforesaid the dividends and annual produce of the said consolidated or reduced bank annuities shall from time to time be paid, by the order of the said court, to the person who would for the time being have been entitled to the rents and profits of the lands, tenements, or hereditaments to be purchased as aforesaid, in case such settlement or purchase were made.

Application  
of purchase  
money when  
less than 200*l*.  
and not less  
than 20*l*.

XXXII. PROVIDED always, and be it further enacted, that if any money so agreed or assessed to be paid for any lands, tenements, or hereditaments purchased, taken, or used for the purposes aforesaid, belonging to any corporation or to any person under any disability or incapacity as aforesaid, shall be less than the sum of two hundred pounds, and shall amount to or exceed the sum of twenty pounds, then and in all such cases the same shall, at the option of the person for the time being entitled to the rents and profits of the lands, tenements, or hereditaments so purchased, taken, or used, or of his guardian or committee in cases of infancy, idiocy, or lunacy, to be signified in writing under their respective hands, be paid into the Bank of England in the name and with the privity of the said accountant general, and be placed to his account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like option, to two or more trustees to be nominated by the person making such option, and approved by six or more of the commissioners taking such lands, tenements, or hereditaments, such nomination and approbation to be signified in writing under the hands of the nominating and approving parties, in order that such principal money and the dividends and interest arising therefrom may be applied in manner herein-before directed, so far as the case be applicable, without obtaining or being required to obtain the direction or approbation of the said Court of Exchequer.

Application  
of purchase  
money when  
less than 20*l*.

XXXIII. PROVIDED also, and be it further enacted, that when such money so agreed or assessed to be paid as before mentioned shall be less than the sum of twenty pounds, then and in every such case the same shall be applied to the use of the person who would for the time being have been entitled to the rents and profits of the lands, tenements, or hereditaments so purchased, taken, or used as aforesaid, in such manner as the said commissioners, or any six or more of them, shall think fit; or in case of lunacy, idiocy, or infancy, then to his guardian or committee, to and for the use and benefit of such person so entitled.

Persons in  
possession of  
lands pur-  
chased shall  
be deemed  
lawfully enti-  
tled thereto

XXXIV. AND be it further enacted, that where any question shall arise touching the title of any person to any money to be paid into the Bank of England in the name and with the privity of the accountant-general of the said Court of Exchequer, in pursuance of this Act, for the purchase of any lands, tenements, or hereditaments to be purchased in pursuance of this Act,

or to any bank annuities to be purchased with any such money, or to the dividends or interest of any such bank annuities, the person who shall have been in possession of such lands, tenements, or hereditaments at the time of such purchase, and all persons claiming under such person, or under the possession of such person, shall be deemed and taken to have been lawfully entitled to such land, tenements, or hereditaments, according to such possession, until the contrary shall be shown to the satisfaction of the said Court of Exchequer; and the dividends or interest of the bank annuities to be purchased with such money, and also the capital of such bank annuities, shall be applied and disposed of accordingly, unless it shall be made to appear to the said court that such possession was a wrongful possession, and that some other person was lawfully entitled to such lands, tenements, or hereditaments, or to some estate or interest therein.

until the contrary is shown.

XXXV. AND be it further enacted, that in case the person to whom any sum or sums of money shall be assessed or agreed for the purchase of any lands, tenements, or hereditaments to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good title to the premises to the satisfaction of the said commissioners or any six or more of them, or in case such person to whom such sum or sums of money shall be so assessed or agreed to be paid as aforesaid cannot be found, or if the person entitled to such lands, tenements, or hereditaments be not known or discovered, then and in every such case it shall and may be lawful to and for the said commissioners, or any six or more of them, to order the said sum or sums of money so assessed or agreed to be paid as aforesaid to be paid into the Bank of England in the name and with the privity of the accountant general of the Court of Exchequer, to be placed to his account, to the credit of the parties interested in the said lands, tenements, or hereditaments (describing them), subject to the order, control, and disposition of the said Court of Exchequer; which said Court of Exchequer, on the application of any person making claim to such sum or sums of money, or any part thereof, by motion or petition, shall be and is hereby empowered, in a summary way of proceeding, or otherwise, as to the said court shall seem meet, to order the same to be laid out and invested in the public funds, and to order distribution thereof, or payment of the dividends thereof, according to the estate, title, or interest of the person making claim thereunto, and to make such other order in the premises as to the said court shall seem just and reasonable; and the cashier of the Bank of England who shall receive such sum or sums of money is hereby required to give a receipt for the same (mentioning and specifying for what and for whose use the same is received) to such person as shall pay any sum or sums of money into the Bank of England as aforesaid.

If purchase money is refused, or title is not made, or if person to whom money is assessed cannot be found, &c., the money shall be paid into the Bank of England, subject to the control of the Court of Exchequer, &c.

XXXVI. PROVIDED always, and be it further enacted, that where by reason of any disability or incapacity of the person or corporation entitled to any lands, tenements, or hereditaments to be purchased under the authority of this Act, the purchase money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the purchase of other lands, tenements, or hereditaments, to be settled to the like uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Exchequer to order the expences of all purchases from time to time to be made in pursuance of this Act, or so much of the expences as the said court shall deem reasonable,

Court of Exchequer may direct payment of expences where purchase money is invested in purchase of other lands.

together with the necessary costs and expences of obtaining such order, to be paid by the said commissioners, or any six or more of them, who shall from time to time pay such sum or sums of money for such purposes as the said court shall direct ; and the said commissioners shall and may reimburse themselves all such payments as shall be so made by them as aforesaid in the manner directed, and out of the rates to be raised, levied, and collected for such purposes respectively, under the powers and provisions of the said recited Acts and of this Act.

Houses and buildings, &c. not to be taken without consent of owner, &c.

XXXVII. AND be it further enacted, that it shall not be lawful for any court of sewers, in making any new walls, banks, sewers, cuts, gotes, calcies, sluices, floodgates, tumbling bays, and other works, reparations, amendments, aids, and defences authorized to be made and executed by the said recited Acts and this Act, or any or either of them, to take down, remove, or make use of any house or building, or any garden, yard or paddock, or any park, planted walk, or avenue to a house, or any inclosed ground planted as an ornament or shelter to a house, or planted and set apart as a nursery for trees, or any part thereof respectively, without the consent in writing of the owner or proprietor thereof respectively, or of the person, body politic or corporate, hereby authorized to sell and convey as aforesaid, first had and obtained.

On payment of purchase money, commissioners may enter on lands, and the same shall vest in them.

XXXVIII. AND be it further enacted, that upon payment or legal tender of such sum or sums of money as shall have been contracted or agreed for between the parties, or assessed by such juries in manner aforesaid, for the purchase of any such messuages, lands, tenements, hereditaments, and premises, or as a compensation for losses or damages as herein mentioned, to the proprietor or proprietors of such messuages, lands, tenements, hereditaments, and premises, or to such other person or persons, bodies politic or corporate or collegiate, as shall be interested therein or entitled to receive such money or compensation respectively, within thirty days next after the same shall be so agreed for or assessed, or upon payment of such sum or sums of money, within the said thirty days, into the Bank of England, in manner herein directed and required, for the use of the persons entitled thereto, it shall be lawful for the said commissioners, and their agents, servants, and workmen, to enter upon such messuages, lands, tenements, hereditaments, and premises respectively ; and thenceforth such messuages, lands, tenements, hereditaments, and premises, together with the yearly profits thereof, and all the estate, use, trust, and interest of any person, bodies politic, corporate, or collegiate, therein, shall become and be vested in the said commissioners for ever ; and such payment or tender shall not only bar all right, title, claim, interest, and demand of the person, bodies politic, corporate, or collegiate, to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the dower of the wife of every such person, and all estates tail, and all other estates in reversion and remainder of his or their issue, and of every other person, bodies politic, corporate, or collegiate whomsoever therein.

Commissioners may sell lands, &c. not wanted.

XXXIX. AND be it further enacted, that it shall and may be lawful for commissioners of sewers, or any six of them, in whom any lands and hereditaments shall be vested by virtue of this Act, to sell and dispose of the same or any part thereof, either together or in parcels, as they shall find most convenient

and advantageous, to such person as shall be willing to contract for and purchase the same; and the money to arise and be produced by the sale or sales which may be made by the said commissioners of sewers of any land or hereditaments as aforesaid shall be applied to the purposes of making and maintaining sewers works in the limits, valley, level, or district in which such land or hereditaments so sold as aforesaid shall lie or be, but the purchaser thereof shall not be answerable or accountable for any misapplication or nonapplication of such money: Provided always, that the said commissioners of sewers, before they shall sell and dispose of any such land or hereditaments, shall first offer to sell the same to the owner of the adjoining land or ground; and an affidavit made and sworn before a master or master extraordinary in the High Court of Chancery, or before one of his Majesty's justices of the peace for the county, riding, or division in which such land and hereditaments shall lie, by some person not interested in the premises, stating that such offer was made by or on behalf of the said commissioners, and that such offer was not then and thereupon agreed to or was refused by the person to whom the same was so offered, shall in all courts whatever be sufficient evidence and proof that such offer was made, and was not agreed to or was refused by the person to whom such offer was made (as the case may be); and in case such person shall be desirous of purchasing the same, and he and the said commissioners shall differ and not agree with respect to the price thereof, in such case the price thereof shall be ascertained by a jury in manner herein-before directed with respect to the disputed value of premises to be purchased by commissioners of sewers in pursuance of this Act; and the expence of hearing and determining such difference shall be borne and paid in like manner as herein-before directed with respect to purchases made by the said commissioners of sewers, mutatis mutandis.

Land to be first offered to owner of adjoining ground.

XL. AND be it further enacted, that all such conveyances of any lands, tenements, or hereditaments to be sold and disposed of by the said commissioners of sewers shall be expressed in the following or some similar form of words as the circumstances of the case may require:

Form of conveyance from commissioners.

' WE, six of the commissioners of sewers acting in and for  
' several limits [here describe the limits as set forth in the commission  
' of sewers], in consideration of the sum of to us paid by  
' of do hereby grant and release to the said all [de-  
' scribing the premises to be conveyed], and all right, title, and interest of the  
' commissioners of sewers in and to the same and every part thereof, to hold  
' unto the said his heirs, executors, administrators, and assigns  
' for ever. In witness whereof we have hereto set our hands and seals  
' this day of in the year of our Lord '

XLI. AND be it further enacted, that it shall and may be lawful for courts of sewers, from time to time as occasion shall require, to borrow and take up at interest any sum or sums of money for the purchase of messuages, lands, tenements, or hereditaments, or for defraying the costs, charges, and expences of any work or works required to be done within the respective limits of their commission, for making, repairing, and maintaining any sea bank, wall, or other defence or defences, against any violent irruption or encroachment or apprehended encroachment of the sea or rivers, or for the making and maintaining any new cut, or for the more effectual and better draining and

Courts of sewers may borrow money for making and maintaining works.

carrying off the floods and superfluous fresh waters, or for the building, constructing, repairing, amending, renewing, and maintaining any floodgates, sluices, bridges, dams, or other necessary works, or for any other construction, work, matter, or thing which the said court shall judge necessary or expedient for the more effectual defence, security, and improvement of the lands, grounds, tenements, and hereditaments within the jurisdiction of such court of sewers; and the repayment of such sum and sums of money, with interest, shall and may from time to time be secured to the party lending the same upon or by virtue of a decree or ordinance under the hands and seals of the commissioners or any six of them (which decree and ordinance they are hereby authorized to make), charging the lands, tenements, and hereditaments receiving benefit or avoiding damage from the said several works, and the owners or occupiers, or owners and occupiers for the time being thereof, with the payment of such sum and sums of money, with interest, according to the proportions and in the manner returned in and by any presentment touching or concerning the costs and charges of such last-mentioned works, or the lands, grounds, tenements, and hereditaments receiving benefit or avoiding damage thereby: Provided always nevertheless, that no such money shall be borrowed or taken up at interest as aforesaid without the consent in writing, certified to the said commissioners or any six of them, of the owners and occupiers respectively, or their respective husbands, guardians, trustees or feoffees, committees, executors, or administrators, of three fourth parts at the least in value of the lands and hereditaments lying within the valley, level, or district proposed to be charged with the repayment thereof: Provided also, that no person being the owner for the time being of any lands, tenements, or hereditaments shall be chargeable or liable, in respect of such lands, tenements, or hereditaments, for or towards any principal money borrowed or taken up as aforesaid, with or to the payment of any greater sum of money than one fifth part of the value of such lands, tenements, or hereditaments at the time of borrowing or taking up the same: Provided also, that it shall be provided, expressed, and declared in and by the said decree and ordinance, that the sum or sums of money so borrowed and taken up thereon shall be repaid within a time to be named in such decree and ordinance, not being for a longer period than fourteen years from the making thereof, by equal annual or shorter instalments, together with interest on the sum or sums so borrowed or taken up, or on such part thereof as shall from time to time remain due and unpaid; and the said last-mentioned decree and ordinance shall be and remain in full force and effect until such sum and sums of money and all interest thereon shall have been fully paid and satisfied; any thing in the said recited Acts or this Act contained, or any custom or usage, to the contrary notwithstanding.

XLII. AND for facilitating the raising, securing, and paying off from time to time of the monies which it may be necessary so to raise and borrow as aforesaid, be it further enacted, that it shall and may be lawful for any court of sewers from time to time to grant securities, in the form of a certificate under the hands and seals of six of the said commissioners, to each person who shall so advance any sum of money as aforesaid, setting forth the amount of the sum borrowed, the rate of interest payable for the same, the periods at which the said principal money shall be decreed to be paid off by instalments,

Courts of  
sewers may  
grant securities  
to persons  
advancing  
money.

and a general description of the particular lands, or, if by assessment, the district, limit, or level in which the lands are situate, which are to be charged with the repayment thereof; and that every such security or certificate shall be made in the following words, or by any other words to the same purport and effect:

**BY** virtue of an Act passed in the third year of the reign of his Majesty King William the Fourth, intituled [here insert the title of this Act], we the undersigned, being six of the commissioners [here insert the general description of the commission under which they act], in consideration of the sum of \_\_\_\_\_ of lawful money of Great Britain to [here insert the name of the receiver of the district] lent and paid by \_\_\_\_\_, do hereby certify, that [here describe the particular lands, or, if by assessment, the valley, level, or limit in which the lands are situate, which are to be charged,] are become charged with the repayment of the said sum, in instalments of one part on the \_\_\_\_\_ day of \_\_\_\_\_ in every year, together with interest on such part of the said principal money as shall remain unpaid from time to time at and after the rate of \_\_\_\_\_ pounds per centum per annum, until the whole thereof shall be repaid; which sum so lent and advanced by the said \_\_\_\_\_ is part of a capital sum of \_\_\_\_\_ which at a court of sewers holden at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ last was decreed and ordered to be taken up and borrowed for the purpose of [here briefly state the general cause or object of borrowing the money]. In witness whereof we have hereunto set our hands and seals the \_\_\_\_\_ day of \_\_\_\_\_.

Form of security.

XLIII. AND be it further enacted, that every person, body politic, corporate, collegiate, aggregate, or sole, who shall be entitled to the money thereby secured, and his, her, or their executors, administrators, and successors, may from time to time personally, or by attorney thereunto lawfully authorized, assign or transfer his or their right, title, interest, or benefit to the said principal and interest money thereby secured to any person whatsoever, by endorsing on the back of such security, in the presence of one credible witness, who shall subscribe his name thereto, the following words, or words to the like effect:

Securities may be transferred.

**I** [or we] [A.B. of, &c.], in consideration of the sum of \_\_\_\_\_ to me this day paid by [C.D. of, &c.], do hereby transfer the within certificate of charge, with all my right and title to the principal money thereby secured and now remaining due thereon, and to all the interest money now due or hereafter to become due, unto \_\_\_\_\_ his [her or their] executors, administrators, successors, and assigns [as the case may be]. Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_.

Witness \_\_\_\_\_.

Form of transfer.

Which transfer shall be produced and notified to the clerk for the time being of the said commissioners before the party holding the same transfer shall be entitled to receive any principal or interest due or owing as aforesaid; and every such clerk shall make an entry amongst the records of the said commissioners of the particulars of every such transfer, and endorse a minute of such entry upon the back of every such transfer, signed by such clerk, and for which entry and minute he shall be entitled to a fee of five shillings, and no more.

Transfers to be produced to clerk of commissioners, and to be registered by him.

\* \* \* \* \*

Laws, &c. of courts of sewers made without the limits of the commission, but within five miles thereof, to be valid.

XLV. AND be it further enacted, that all laws, acts, decrees, constitutions, and ordinances heretofore made, done, decreed, and ordained at or by any court of sewers holden without the limits or district of the commission under or by virtue whereof such court has been holden, but within five miles of the limits or district of such commission, shall be and they are hereby declared to be as valid and legal, and shall henceforth be and remain in as full force and virtue, as if the same laws, acts, decrees, constitutions, and ordinances had been made, done, decreed, and ordained at a court of sewers holden within the limits or district of the commission under or by virtue whereof such court was holden ; any statute, law, usage, or custom to the contrary notwithstanding.

Several defaults as to one sea wall, &c. may be included in one presentment, and separately traversed.

XLVI. AND whereas in many cases the burden of supporting, repairing, and maintaining a common sea wall, bank, sewer, or other work, may be divided among divers persons, each of whom may be liable to the repair of a certain portion thereof: And in order to avoid the necessity of presenting each such person separately in respect of the non-repair of such common sea wall, bank, sewer, or other work, be it further enacted, that it shall be lawful for any sewers jury, bailiff, surveyor, expeditor, or other person to present the whole of such sea wall, bank, sewer, or other work respectively, or such part thereof respectively as shall at any time be out of repair or require cleansing, and to allege in such presentment what persons or bodies politic or corporate are liable to the repair thereof, and also to specify what part or portion of such sea wall, bank, sewer, or other work each such person, body politic or corporate, is bound or liable to repair, without making a separate and distinct presentment against each such person or body politic or corporate ; and upon twenty-eight days notice of such presentment to be left with or at the last or usual place of abode or office of such person, body politic or corporate, each such person, body politic or corporate, shall be at liberty to traverse the allegation contained in such presentment as to his liability to the repair of such part of such sea wall, bank, sewer, or other work as in such presentment is alleged against him ; and trial of such traverse shall be thereupon had as if such presentment had been solely and exclusively made against such person, body politic or corporate, so traversing the same as aforesaid.

Property in lands, buildings, goods, &c. vested in commissioners.

XLVII. AND be it further enacted, that the property of and in all lands, tenements, hereditaments, buildings, erections, works, and other things which shall have been or shall hereafter be purchased, obtained, erected, constructed, and made by or by the order of, or which are or shall be within or under the view, cognizance, or management of any commissioners of sewers, with the several conveniences and appurtenances thereunto respectively belonging, and also all and singular the goods, tools, utensils, materials, and things whatsoever had and to be had, bought, procured, or provided by or by the order of, or which are or shall be within or under the view, cognizance, or management of such commissioners, shall be and the same are hereby vested in the commissioners of sewers within or under whose view, cognizance, or management such lands, tenements, hereditaments, buildings, erections, works, goods, tools, utensils, materials, and things shall respectively be ; who are hereby empowered to bring or cause to be brought any action or actions, or to prefer or order the preferring of any bill or bills of indictment, against any person who shall dig up, break or pull down, damage, destroy, injure, spoil, steal, take or carry

away, or wilfully and wrongfully buy or receive, any such lands, tenements, hereditaments, buildings, erections, works, goods, tools, utensils, materials, and things whatsoever as aforesaid, or any part thereof; and in every such action and indictment the said lands, tenements, hereditaments, buildings, erections, works, goods, tools, utensils, materials, and things, shall be laid or described to be the property of the said commissioners, without stating or specifying the name or names of all or any of such commissioners.

XLVIII. AND be it further enacted, that every clerk, treasurer, collector, receiver, and other officer appointed and to be appointed by any court of sewers shall, as often as required by such court, render and give to the said court, or to such person as it shall for that purpose appoint, a true, exact, and perfect account in writing under their respective hands, and produce and deliver unto the said court, or to such person as aforesaid, proper vouchers of and for all monies which they shall respectively before the time of rendering such accounts have received, paid, and disbursed for or on account or by reason of their respective offices; and in case any money so received by any such officer shall remain in his hands the same shall be paid by him to such person as the said court shall authorize and empower to receive the same; and if any such officer shall refuse or wilfully neglect to render and give such account, or to produce and deliver up such vouchers, or shall for the space of fourteen days after being thereunto required by the said court, refuse or neglect to render, give, produce, and deliver up to them, or to such person as they shall direct or appoint, such true and perfect account, and all or any such vouchers as aforesaid, and all or any books, papers, writings, matters, and things in his hands, custody, or power, it shall and may be lawful for the said court, in a summary way, to cause such money as shall appear to be due and unpaid from such officer to be levied by distress and sale of the goods and chattels of such officer, rendering to such officer the overplus (if any), on demand, after payment of the money remaining due, and deducting the charges and expences of making such distress and sale; and if sufficient distress cannot be found, or if any such officer shall refuse or wilfully neglect to render such account, or to deliver up all or any vouchers, books, papers, writings, matters, or things in his custody or power relating to the execution of his office, the said court shall or may commit him to any house of correction or common gaol of the county, city, or liberty in which such court of sewers shall have jurisdiction, there to remain without bail or mainprize, until he shall have made and given a true and perfect account, and shall have delivered up the vouchers relating thereto, and shall have paid the money (if any) remaining in his hands as aforesaid, according to the directions of the said court, or shall have compounded with the said court for such money, and paid such composition according to their direction (which composition the said court is hereby empowered to make and receive), or until he shall have delivered up all such books, papers, and writings, matters and things as aforesaid, or have given satisfaction to the said court concerning the same; but no such officer who shall be committed on account of his not having sufficient goods and chattels as aforesaid shall be detained in prison by virtue of this Act for any longer time than six calendar months.

Officers to  
account when  
required.

XLIX. AND be it further enacted, that if any officer or servant of any court of sewers who shall be by such court discharged from his office shall be in

Removal of  
discharged  
officer and



family of deceased officer from possession of property of the commissioners.

possession of any houses, buildings, lands, floodgates, sluices, dams, works, materials, tools, or implements so belonging to or vested in any such commissioners of sewers as aforesaid, and shall refuse to deliver up the possession thereof within two days after notice of his being discharged and of his being required to deliver up the same shall be given to him, or left at his last or most usual place of abode, or if the wife, widow, family, or representatives of any such officer or servant who shall happen to die, shall, after like notice given to her, them, any or either of them, refuse to deliver up possession of the same within the like term after she, they, or either of them shall be required so to do, then and in either of the said cases it shall and may be lawful for any such court of sewers for the county, limits, or district wherein the same property, matter, or thing refused to be delivered up may be, by warrant under the hands and seals of six commissioners of sewers for the county, limits, or district, to order a constable or other peace officer, with such assistance as shall be deemed necessary, to enter any such houses, buildings, lands, floodgates, sluices, dams, or other works so refused to be delivered up, in the daytime, and to remove the persons who shall be found therein, together with their goods, out of such premises, and also to take possession of the same, and of all such other property, matters, and things belonging to or vested in the said commissioners of sewers as shall be so refused to be delivered up as aforesaid, and to put the said commissioners, or their officer or servant, in possession thereof.

Courts of sewers may take security from officers and sue for forfeitures.

L. AND be it further enacted, that it shall be lawful for any court of sewers to take such security from every treasurer, receiver, collector, expeditor, and other ministers and officers, as to such court shall seem meet, for the just and faithful execution of such office or trust, and such security shall be given by bond or bonds to the clerk for the time being to the said commissioners of sewers; and in case of forfeiture it shall be lawful for the said court of sewers to sue upon such bond or bonds in the name of the clerk to the said commissioners of sewers for the time being, and to carry on such suit at the costs and charges and for the use and benefit of the fund for the security of which such bond or bonds shall have been taken, fully indemnifying and saving harmless such clerk from all costs and charges in respect of such suit from and out of such fund; and no action or suit to be brought or commenced in the name of the clerk in the manner aforesaid shall abate or be discontinued by the death, resignation, or removal of such clerk, or by the expiration of any commission of sewers or other authority under which the said clerk may act as aforesaid.

Treasurer and clerk, &c. not to be the same person, or be in partnership.

LI. AND be it further enacted, that it shall not be lawful for any court of sewer to continue or appoint the person who hath been or who may be appointed their clerk in the execution of any commission of sewers, or the partner of any such clerk, or the clerk or other person in the service or employ of any such clerk, or the clerk or other person in the service or employ of the partner of such clerk, the treasurer for the purposes of the said recited Acts or of this Act, or to continue or appoint any person who hath been or who may be appointed treasurer, or the partner of any such treasurer, or the clerk or other person in the service or employ of any such treasurer, or the clerk or other person in the service or employ of the partner of such treasurer, the clerk of the said commissioners; and if any person shall continue in or accept both the offices of clerk and treasurer in the execution of any commission of

sewers, or if any person being the partner of any such clerk, or the clerk or other person in the service or employ of any such clerk or of his partner, shall continue in or accept the office of treasurer, or shall act as deputy of such treasurer, or shall in any manner officiate for such treasurer, or being the partner of any such treasurer, or the clerk or other person in the service or employ of any such treasurer or of his partner, shall continue in or accept the office of clerk in the execution of any commission of sewers, or shall act as deputy of such clerk, or shall in any manner officiate for such clerk, or if any such treasurer shall hold any place of profit or trust under such court of sewers other than that of treasurer, every such person so offending shall for every such offence forfeit and pay the sum of one hundred pounds to any person who shall sue for the same, to be recovered, together with full costs of suit, in any of his Majesty's courts of record at Westminster, by action of debt or on the case, or by bill, suit, or information, wherein no essoign, protection, or wager of law, nor more than one imparlance shall be allowed.

LII. AND for the better carrying into execution the powers and authorities of the said commissioners of sewers, be it further enacted, that all and every chief and petty constables, headboroughs, and tithingmen, or by whatsoever other name or names such chief or petty constables may be called or known, and other peace officers, of or within the respective hundreds, parishes, townships, liberties, districts, or places within the jurisdiction of the said respective courts, shall and they are hereby authorized and required to obey and execute all and every the orders, warrants, precepts, or other process which may be to them directed by the said commissioners; which said commissioners respectively are hereby authorized to direct such their orders, warrants, precepts, or other process to such chief or petty constables, headboroughs, tithingmen, and other peace officers accordingly.

Constables to obey orders of commissioners.

LIII. AND be it further enacted, that no fine, amerciamment, penalty, or forfeiture which from and after the passing of this Act shall be set or imposed by any commissioners of sewers upon any person, body politic or corporate, for not cleansing, scouring, repairing, or maintaining, or for obstructing or injuring, any of the walls, ditches, banks, gutters, sewers, gotes, bridges, and streams, or for any other cause, matter, or thing within the jurisdiction of the said commissioners respectively, shall hereafter be returned or estreated into the Court of Exchequer; but that the same fines, amerciament, penalties, and forfeitures, and all penalties and forfeitures imposed by this Act, except as herein otherwise provided, shall and may be demanded and received by the treasurer, clerk, expeditor, or other person appointed by the said commissioners to receive the same, and if not paid upon demand shall and may be levied by distress and sale of the goods and chattels of the person, body politic or corporate, upon whom such fines, amerciament, penalties, or forfeitures shall or may be so set or imposed, by warrant under the hands and seals of the said commissioners, or any six or more of them, together with the costs and charges of such distress and sale, rendering the overplus (if any) to the party or parties entitled thereto; which warrant the said commissioners are hereby authorized to issue; and the said fines, amerciament, penalties, and forfeitures, when so received or levied, shall and may be applied by the said commissioners to such and the same uses and purposes as the monies

Fines, &c. shall be levied by warrant of commissioners of sewers.

raised, levied, or set apart by the said commissioners for defraying and reimbursing the general expences of executing the commission of sewers under which they shall or may act or may be applicable.

Form of  
warrant for  
levying fines,  
&c.

LIV. AND be it further enacted, that the warrant authorizing the levying of any such fine, amerciamment, penalty, or forfeiture payable by virtue of this Act may be in the words or to the effect following :

‘ To our bailiff of sewers, and to and  
our collectors, and to each and every of them,  
and to all constables and other peace officers.  
‘ **W**HEREAS at the court [or session] of sewers holden for the limits  
‘ [here state the name of the commission] on the day of  
‘ last, A.B. of in the county of ,  
‘ carpenter, was fined [amerced, or otherwise, as the case may be] in the sum  
‘ of , which sum it hath this day been proved to us, the  
‘ undersigned, being six or more of the justices and commissioners of sewers  
‘ for the aforesaid limits, by the oath of duly appointed  
‘ to receive the same fine, [amerciamment, penalty, or forfeiture, as the case  
‘ may be,] that the said hath neglected or omitted to  
‘ pay when demanded of him : These are therefore to authorize and com-  
‘ mand you, any or either of you, to levy the said sum of  
‘ by distress and sale of the goods and chattels of the said  
‘ together with the costs and charges of such distress and sale, rendering the  
‘ overplus, if any, to the said . Given under our hands  
‘ and seals the day of in the year of  
‘ our Lord one thousand eight hundred and .’

Commissioners  
may decree and  
assess costs ;

LV. AND be it further enacted, that in all and singular the orders, decrees, or other proceedings hereafter to be made touching or concerning any matter or thing within the jurisdiction of any court of sewers, it shall and may be lawful to and for any such court of sewers to order and decree that the costs, charges, and expences of and incidental to the making and putting in force such order or decree, orders or decrees, shall be paid and borne by the person, body politic or corporate, upon or against whom, or by reason of whose default, or for whose benefit, such order or decree, orders or decrees, shall respectively be made, which costs, charges, and expences shall and may be ascertained and settled by or by the authority of any such court of sewers ; and when any such costs, charges, and expences shall be ordered and decreed to be paid as aforesaid, and such order or decree, orders or decrees, shall not be previously altered, reversed, or quashed by or at any subsequent court of sewers, or by any other court or courts, upon removal of the same by certiorari or otherwise, the same costs, charges, and expences shall and may, at any time after the court of sewers immediately following the granting or passing of such orders or decrees respectively, such court being at the distance of twenty-one days at the least from the service of such orders or decrees respectively, be levied and raised, together with the costs and charges of raising and levying the same, by distress and sale of the goods and chattels of the person, body politic or corporate, by whom the same shall or may respectively be ordered or decreed to be paid as aforesaid, by the bailiff, expeditor, surveyor, or other known officers of the said commissioners of sewers

which may be  
levied by dis-  
tress ;

for the time being, or by any constable or peace officer or any other person to be named in and by such orders or decrees respectively, without any further order or decree of the said court of sewers : Provided always, that if no such distress or distresses as aforesaid can be found, the same costs, charges, and expences, together with the costs and charges of raising and levying the same, shall and may be raised and levied upon and out of the lands, tenements, and hereditaments, within the limits of the commission under and by virtue of which the same orders and decrees shall respectively be made, of or belonging to the person, body politic or corporate, upon or against whom such orders and decrees shall respectively be made, in such and the same manner as the same would have been leviable if the same lands, tenements, or hereditaments had been lawfully assessed in the amount or respective amounts of the same costs, charges, and expences to or for a lawful scot, rate, or assessment for the purposes of the same commission ; and the same lands, tenements, and hereditaments shall be subject to all such and the same orders and decrees as the same would have been subject to, and such orders and decrees shall be of the same force and authority as if the same costs, charges, and expences were a lawful scot, rate, or assessment as aforesaid, and unpaid.

and in default of distress may be raised upon the lands of the defaulters.

LVI. PROVIDED also, and be it further enacted, that all and every sum and sums of money which shall or may be raised or levied by or for the costs, charges, and expences of any officer of sewers as aforesaid shall be paid into the hands of the treasurer or expeditor of the said commissioners acting for the district in or for which the orders or decrees shall respectively be made, and shall be paid, applied, and disposed of, so far as the same will extend, in defraying and reimbursing the costs, charges, and expences which shall have been so incurred as aforesaid, subject to such order and disposition of the said commissioners, as they or any six or more of them shall deem to be just and reasonable.

Appropriation of money raised for costs.

LVII. AND be it further enacted, that commissioners of sewers may sue and be sued at law or in equity for or concerning any matter or thing whatever, or for or relating to the lands and hereditaments or other property vested or to become so vested in them as aforesaid, or to any river, stream, sewer, wall, bank, or other work or matter within or under the view, cognizance, management, or jurisdiction of such commissioners, in the name of any one commissioner, or in the name of their clerk for the time being ; and in any action or actions of ejectment which shall or may be brought or prosecuted by the said commissioners for recovering the possession of such houses, buildings, or other property so vested in them as aforesaid, it shall be sufficient to lay the demise in such action or actions in the names of six commissioners, or in the name of such clerk ; and no action or suit to be brought or commenced by or against the said commissioners or the said clerk in manner aforesaid shall abate or be discontinued by the death, resignation, or removal of such commissioners or of such clerk, or by the expiration of any commission of sewers or other authority under which the said commissioners or clerk may act as aforesaid ; provided that no execution shall issue or be had in any such action or suit against such commissioners or clerk until six months shall have elapsed after final judgment in such action or suit shall have been obtained.

Commissioners of sewers may sue and be sued in the name of any one commissioner or of their clerk.

Clerks and  
commissioners  
to be reim-  
bursed.

LVIII. PROVIDED always, and be it further enacted, that every such clerk in whose name any such action or suit shall be brought, commenced, or sued, and every such commissioner of sewers whose name shall be used in any bill, information, prosecution, or indictment, in pursuance of this Act, and that every such commissioner of sewers in whose name the said commissioners shall so sue or be sued as aforesaid, shall be fully reimbursed and paid all such costs, charges, damages, and expences, as by the event or in consequence of any such action, suit, bill, information, indictment, or prosecution he shall pay, sustain, or be put unto, or become chargeable with or liable to by reason of his being plaintiff or defendant as aforesaid, or his name being used as aforesaid, by and out of the monies that shall be in or come to the hands of the said clerk or of the treasurer or expēditor for the time being as such clerk, treasurer, expēditor, or by and out of the monies to arise and be collected by a scot, rate, or tax, to be granted, raised, and levied, under the authority and direction of the said commissioners of sewers having authority to raise and levy such scot, rate, or tax, or such of them as shall be authorized to act on behalf of themselves and the others, as the case may be, on the scotable, rateable, or taxable lands, tenements, and hereditaments, the district for which he or they so acts or act, or hath or have acted as clerk as aforesaid, or for which he is so authorized to act as aforesaid; and which said scot, rate, or tax may be levied and raised under and by virtue of this Act for the purposes aforesaid.

Clerk, being  
plaintiff, &c.  
may be a  
witness.

LIX. PROVIDED always, and be it further enacted, that the clerk being the plaintiff, prosecutor, or defendant in any such actions, suits, proceedings, prosecutions, or indictments as aforesaid shall not affect the competency of such clerk to be a witness in any such actions, suits, prosecutions, and indictments, in the same manner as he might have been if his name had not been made use of as the plaintiff, prosecutor, or defendant in any such actions, suits, proceedings, prosecutions, or indictments.

Interpretation  
of certain  
words and  
terms in this  
Act.

LX. AND be it further enacted, that the words "court" and "court of " sewers" in this Act shall respectively be deemed to mean every court, sessions, assemblage, or meeting of any six or more commissioners of sewers (three whereof being of the quorum) named in any commission of sewers, and acting in the execution thereof; and wherever in this Act any word or words is or are used or employed importing the singular number or the masculine gender only, such word or words shall extend to and shall be construed to include several persons as well as one person, and females as well as males, and a body or bodies politic, corporate, or collegiate, corporation or corporations aggregate or sole, as well as individuals, unless it be otherwise specially directed or provided for.

This Act not  
to prejudice  
any local Act.

LXI. AND be it further enacted, that nothing in this Act contained shall extend or be construed to extend to affect, alter, abridge, or interfere with any local or private Act of Parliament for sewers concerning any county, city, town, district, lands, or limits, or any commission of sewers in the county of Middlesex, within the distance of ten miles from the Royal Exchange in the city of London, except such parts of the said county as may lie within any commission of sewers of the county of Essex; or to affect, alter, abridge, or interfere with any navigable river, canal, port, or harbour under the

management or power of any commissioners, trustees, or proprietors by virtue of any local or private Act of Parliament; or to affect, alter, abridge, or interfere with any charter, law, usage, or custom in or concerning Romney Marsh in Kent, or the great level of the fens called Bedford Level.

LXII. AND be it further enacted, that nothing in this Act contained shall extend or be construed to extend to repeal, or in anywise affect, alter, abridge, or interfere with the commissioners of sewers of the city of London and liberties thereof, or the rights, powers, or privileges of the mayor and commonalty and citizens of the city of London, in relation to the sewers, drains, vaults, and bridges within the said city or liberties, or any Act or Acts of Parliament heretofore made for making, amending, defending, widening, altering, or cleansing the said sewers, drains, vaults, and bridges within the said city and liberties.

Saving as to commissioners of sewers and rights of city of London.

#### CHAPTER XXIV.

AN ACT to amend an Act of the Tenth Year of His late Majesty, for regulating the Reduction of the National Debt. [9th July 1833.]

WHEREAS an Act was passed in the tenth year of the reign of King George the Fourth, intituled "An Act to amend the several Acts for regulating the reduction of the national debt"; and it was in and by the said Act, amongst other things, enacted, that the one-fourth part of the sum which from time to time should appear by every such annual account respectively to be the actual surplus revenue of the year immediately preceding beyond the expenditure of the United Kingdom should be charged and the same was in and by the said Act made chargeable upon the consolidated fund of the United Kingdom, and was directed to be issued and paid, in and for the quarter of the year then next ensuing the quarter of the year within which such annual account respectively was in and by the said Act directed to be made up, either into the Bank of England or into the Bank of Ireland, to the account of the commissioners for the reduction of the national debt, as the said commissioners should direct, to be by them applied towards the redemption of the national debt of the United Kingdom, in such proportions, and at such time and times in each and every quarter in every future year, as the said commissioners for the reduction of the national debt should require, according to the provisions and directions of any Act or Acts then in force respecting sums issued from the Exchequer towards the reduction of the said national debt: And whereas in and by the said Act it was also enacted that the said commissioners should from time to time apply all such respective annual sums so placed to their account by virtue of the said Act, either in the whole or in part, in the purchase of such redeemable public annuities, or annuities for any term or terms of years, or in the purchase of Exchequer bills, or in the paying off Exchequer bills, or in the advancing of such annual sums upon the credit of any Exchequer bills therein-before mentioned as the said commissioners should from time to time judge most expedient: And whereas it is expedient to extend the powers and provisions of the said recited Act, and to enable the said commissioners to purchase from time to time, with the said monies or with any part thereof which shall be so issued to them from time to time under the provisions of the said Act, within any

10 Geo. 4. c. 27.  
s. 3.

sect. 8.

The commissioners for the reduction of the national debt may apply the monies of the sinking fund to the purchase of the reversion of perpetual redeemable annuities.

quarter in this present year, or in any future year after the passing of this Act, the reversion of any of the existing perpetual redeemable annuities, or of any of the perpetual redeemable annuities which may be hereafter created, and which may at any time be existing after the passing of this Act, and constituting the public funded debt of the United Kingdom: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the said commissioners for the reduction of the national debt (and the said commissioners are hereby authorized and empowered), out of any of the said monies which shall be issued to them towards the reduction of the national debt by virtue of the said recited Act or of any other Act or Acts now in force or which may hereafter be passed relating to the fund commonly called "The Sinking Fund," to apply such monies or any part thereof, if they shall think fit, at such time and times and under such regulations as the said commissioners shall think proper to adopt for that purpose, to the purchase of the reversion of any of the present existing perpetual redeemable annuities, or the reversion of any perpetual redeemable annuities which may at any time exist after the passing of this Act, and constituting the public funded debt of the United Kingdom, and to grant to any person or persons, bodies politic or corporate, in exchange for such perpetual annuities payable at the Bank of England as shall or may be transferred to them under the provisions of this Act, an annuity or annuities, to continue for such limited term of years certain, and upon such terms and conditions, as shall and may be agreed upon between the said commissioners and the parties contracting with the said commissioners.

Annuities for terms of years granted by virtue of this Act shall be charged upon the consolidated fund, and be subject to the provisions of 10 Geo. 4. c. 24. and 2 & 3 Will. 4. c. 59.

II. AND be it further enacted, that all annuities for term of years granted by the said commissioners by virtue of this Act shall be charged and the same are hereby made chargeable upon the consolidated fund of the said United Kingdom, and the said annuities shall be deemed and taken to be annuities for terms of years granted by the said commissioners within the meaning and intent of the Act passed in the tenth year of the reign of King George the Fourth, intituled "An Act to enable the commissioners for the reduction of the national debt to grant life annuities, and annuities for terms of years," and all the clauses, conditions, provisions, directions, regulations, and periods of payment contained in the said last-recited Act relating to immediate annuities granted or to be granted by the said commissioners for certain terms of years, and in a certain Act made and passed in the second and third years of the reign of King William the Fourth, intituled "An Act to transfer the management of certain annuities on lives from the receipt of his Majesty's Exchequer to the management of the commissioners for the reduction of the national debt, and to amend an Act for enabling the said commissioners to grant life annuities and annuities for terms of years," shall be deemed and taken to apply to the annuities for terms of years which shall at any time be granted by the said commissioners under and by virtue of this Act, as fully and effectually, to all intents and purposes (except as altered and varied by virtue of this Act), as if the said clauses, conditions, provisions, directions, regulations, and periods of payment were severally repeated and re-enacted in this Act.

III. AND be it further enacted, that all the perpetual annuities which shall at any time after the passing of this Act be transferred to the said commissioners under the provisions of this Act shall be forthwith cancelled in the books of the governor and company of the Bank of England; and the said perpetual annuities shall cease to be charged upon or to be issued out of the said consolidated fund from and after the day upon which any such perpetual annuities shall be transferred to and placed in the names of the said commissioners in the books of the said bank.

All perpetual annuities hereafter transferred to commissioners for the reduction of the national debt shall be cancelled.

IV. AND be it further enacted, that the annuities for terms of years granted by the said commissioners under the provisions of this Act, or already granted or to be granted under the said last-recited Act or of any future Act or Acts by which any annuities for terms of years certain shall be created, shall and may be transferred to and from the books of the governor and company of the Bank of England to the books of the governor and company of the Bank of Ireland, and vice versâ, for the purpose of having corresponding sums in the like annuities for terms of years written into the books of the said respective banks, in like manner and under the same regulations as any other annuities for terms of years or capital stock are permitted to be so transferred under and by virtue of an Act passed in the fifth year of the reign of King George the Fourth, intituled "An Act to permit the mutual transfer of capital in certain public stocks or funds transferrable at the Banks of England and Ireland respectively."

Annuities for terms of years may be transferred to and from the Banks of England and Ireland as permitted by 5 Geo. 4. c. 58.

## CHAPTER XXVII.

AN ACT for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto.

[24th July 1833.]

**B**E it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the words and expressions herein-after mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "land" shall extend to manors, messuages, and all other corporeal hereditaments whatsoever, and also to tithes (other than tithes belonging to a spiritual or eleemosynary corporation sole), and also to any share, estate, or interest in them or any of them, whether the same shall be a freehold or chattel interest, and whether freehold or copyhold, or held according to any other tenure; and the word "rent" shall extend to all heriots, and to all services and suits for which a distress may be made, and to all annuities and periodical sums of money charged upon or payable out of any land (except moduses or compositions belonging to a spiritual or eleemosynary corporation sole); and the person through whom another person is said to claim shall mean any person by, through, or under, or by the act of whom, the person so claiming became entitled to the estate or interest claimed, as heir, issue in tail, tenant by the curtesy of England, tenant in dower, successor, special or general occupant,

Meaning of the words in the Act.

"Land."

"Rent."

Person through whom another claims.



“ Person.”  
 Number and gender.  
 executor, administrator, legatee, husband, assignee, appointee, devisee, or otherwise, and also any person who was entitled to an estate or interest to which the person so claiming, or some person through whom he claims, became entitled as lord by escheat; and the word “ person ” shall extend to a body politic, corporate, or collegiate, and to a class of creditors or other persons, as well as an individual; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

No land or rent to be recovered but within 20 years after the right of action accrued to the claimant or some person through whom he claims.  
 [II.] AND be it further enacted, that after the thirty-first day of December one thousand eight hundred and thirty-three no person shall make an entry or distress or bring an action to recover any land or rent but within twenty years next after the time at which the right to make such entry or distress or to bring such action shall have first accrued to some person through whom he claims; or if such right shall not have accrued to any person through whom he claims, then within twenty years next after the time at which the right to make such entry or distress or to bring such action shall have first accrued to the person making or bringing the same.

When the right shall be deemed to have accrued:  
 in the case of an estate in possession;  
 in the case of the estate of a deceased person;  
 in the case of an estate passing under some instrument other than a will;  
 in the case of a future estate;  
 III. AND be it further enacted, that in the construction of this Act the right to make an entry or distress or bring an action to recover any land or rent shall be deemed to have first accrued at such time as herein-after is mentioned; (that is to say,) when the person claiming such land or rent, or some person through whom he claims, shall, in respect of the estate or interest claimed, have been in possession or in receipt of the profits of such land, or in receipt of such rent, and shall while entitled thereto have been dispossessed, or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such disposition or discontinuance of possession, or at the last time at which any such profits or rent were or was so received; and when the person claiming such land or rent shall claim the estate or interest of some deceased person who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death; and when the person claiming such land or rent shall claim in respect of an estate or interest in possession granted, appointed, or otherwise assured by any instrument (other than a will) to him, or some person through whom he claims, by a person being in respect of the same estate or interest in the possession or receipt of the profits of the land, or in the receipt of the rent, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such instrument; and when the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or receipt of the profits of such land or the receipt of such rent in respect of such estate or interest, then such right

[\* Section 2 is rep., from and after 1st January 1879, 37 & 38 Vict. c. 57. s. 9.]

shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession; and when the person claiming such land or rent, or the person through whom he claims, shall have become entitled by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred or such condition was broken.

in case of forfeiture or breach of condition.

IV. PROVIDED always, that when any right to make an entry or distress or to bring an action to recover any land or rent by reason of any forfeiture or breach of condition shall have first accrued in respect of any estate or interest in reversion or remainder, and the land or rent shall not have been recovered by virtue of such right, the right to make an entry or distress or bring an action to recover such land or rent shall be deemed to have first accrued in respect of such estate or interest at the time when the same shall have become an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

Where reversioner does not take advantage of a forfeiture, he shall have a new right when his estate comes into possession.

[V.\*] PROVIDED also, that a right to make an entry or distress or to bring an action to recover any land or rent shall be deemed to have first accrued, in respect of an estate or interest in reversion, at the time at which the same shall have become an estate or interest in possession by the determination of any estate or estates in respect of which such land shall have been held, or the profits thereof or such rent shall have been received, notwithstanding the person claiming such land, or some person through whom he claims, shall, at any time previously to the creation of the estate or estates which shall have determined, have been in possession or receipt of the profits of such land, or in receipt of such rent.

Reversioner shall have a new right when his estate comes into possession, although he has previously been in enjoyment of the land, &c.

VI. AND be it further enacted, that for the purposes of this Act an administrator claiming the estate or interest of the deceased person of whose chattels he shall be appointed administrator shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the grant of the letters of administration.

Administrator shall claim as if he obtained the estate without interval after death of deceased.

VII. AND be it further enacted, that when any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, as tenant at will, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress or bring an action to recover such land or rent, shall be deemed to have first accrued, either at the determination of such tenancy, or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy shall be deemed to have determined: Provided always, that no mortgagor or cestuique trust shall be deemed to be a tenant at will, within the meaning of this clause, to his mortgagee or trustee.

In case of tenancy at will, the right shall be deemed to have accrued at the determination of the tenancy, or at the end of one year from its commencement.

VIII. AND be it further enacted, that when any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, as tenant from year to year or other period, without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress or to bring an action to recover such land or rent shall be deemed to have first accrued at the determination of the first of such years or other periods, or at the last time when any rent

In case of tenancy from year to year, &c., the right shall be deemed to have accrued at the end of the first year, &c., or at the last payment of rent.

[\* Section 5 is rep., from and after 1st January 1879, 37 & 38 Vict. c. 57. s. 9.]

payable in respect of such tenancy shall have been received (which shall last happen).

Where rent amounting to 20s., reserved by a lease in writing, has been wrongfully received, the right shall be deemed to have accrued at the time of such wrongful receipt, and not on the determination of the lease.

IX. AND be it further enacted, that when any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, by virtue of a lease in writing, by which a rent amounting to the yearly sum of twenty shillings or upwards shall be reserved, and the rent reserved by such lease shall have been received by some person wrongfully claiming to be entitled to such land or rent in reversion immediately expectant on the determination of such lease, and no payment in respect of the rent reserved by such lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such land or rent, subject to such lease, or of the person through whom he claims, to make an entry or distress or to bring an action after the determination of such lease shall be deemed to have first accrued at the time at which the rent reserved by such lease was first so received by the person wrongfully claiming as aforesaid; and no such right shall be deemed to have first accrued upon the determination of such lease to the person rightfully entitled.

A mere entry not to be deemed possession.

X. AND be it further enacted, that no person shall be deemed to have been in possession of any land within the meaning of this Act merely by reason of having made an entry thereon.

No right to be preserved by continual claim.

XI. AND be it further enacted, that no continual or other claim upon or near any land shall preserve any right of making an entry or distress or of bringing an action.

Possession of one coparcener, &c. not to be the possession of the others.

XII. AND be it further enacted, that when any one or more of several persons entitled to any land or rent as coparceners, joint tenants, or tenants in common, shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares of such land or of the profits thereof, or of such rent, for his or their own benefit, or for the benefit of any person or persons other than the person or persons entitled to the other share or shares of the same land or rent, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last-mentioned person or persons or any of them.

Possession of a younger brother, &c. not to be the possession of the heir.

XIII. AND be it further enacted, that when a younger brother or other relation of the person entitled as heir to the possession or receipt of the profits of any land, or to the receipt of any rent, shall enter into the possession or receipt thereof, such possession or receipt shall not be deemed to be the possession or receipt of or by the person entitled as heir.

Acknowledgment of title in writing given to the person entitled, or his agent, shall be equivalent to possession or receipt of rent, and time shall run from the date thereof.

XIV. PROVIDED always, and be it further enacted, that when any acknowledgment of the title of the person entitled to any land or rent shall have been given to him or his agent in writing signed by the person in possession or in receipt of the profits of such land, or in receipt of such rent, then such possession or receipt of or by the person by whom such acknowledgment shall have been given shall be deemed, according to the meaning of this Act, to have been the possession or receipt of or by the person to whom or to whose agent such acknowledgment shall have been given at the time of giving the same, and the right of such last-mentioned person, or any person claiming through him, to make an entry or distress or bring an action to recover such rent shall be deemed to have first accrued at and not before the time

at which such acknowledgment, or the last of such acknowledgments, if more than one, was given.

XV. PROVIDED also, and be it further enacted, that when no such acknowledgment as aforesaid shall have been given before the passing of this Act, and the possession or receipt of the profits of the land, or the receipt of the rent, shall not at the time of the passing of this Act have been adverse to the right or title of the person claiming to be entitled thereto, then such person, or the person claiming through him, may, notwithstanding the period of twenty years herein-before limited shall have expired, make an entry or distress or bring an action to recover such land or interest at any time within five years next after the passing of this Act.

Where possession is not adverse at the time of passing this Act, the right shall not be barred until the end of five years afterwards.

[XVI.] PROVIDED always, and be it further enacted, that if at the time at which the right of any person to make an entry or distress or bring an action to recover any land or rent shall have first accrued as aforesaid, such person shall have been under any of the disabilities herein-after mentioned, (that is to say,) infancy, coverture, idiocy, lunacy, unsoundness of mind, or absence beyond seas, then such person, or the person claiming through him, may, notwithstanding the period of twenty years herein-before limited shall have expired, make an entry or distress or bring an action to recover such land or rent at any time within ten years next after the time at which the person to whom such right shall first have accrued as aforesaid shall have ceased to be under any such disability, or shall have died (which shall have first happened).

Persons under disability of infancy, lunacy, coverture, or beyond seas, and persons claiming through them, shall be allowed ten years from the termination of their disability or death.

[XVII.] PROVIDED nevertheless, and be it further enacted, that no entry, distress, or action shall be made or brought by any person who, at the time at which his right to make an entry or distress or to bring an action to recover any land or rent shall have first accrued, shall be under any of the disabilities herein-before mentioned, or by any person claiming through him, but within forty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such forty years, or although the term of ten years from the time at which he shall have ceased to be under any such disability, or have died, shall not have expired.

But no action, &c. shall be brought beyond forty years after the right of action accrued.

XVIII. PROVIDED always, and be it further enacted, that when any person shall be under any of the disabilities herein-before mentioned at the time at which his right to make an entry or distress or to bring an action to recover any land or rent shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an entry or distress or to bring an action to recover such land or rent beyond the said period of twenty years next after the right of such person to make an entry or distress or to bring an action to recover such land or rent shall have first accrued, or the said period of ten years next after the time at which such person shall have died, shall be allowed by reason of any disability of any other person.

No further time to be allowed for a succession of disabilities.

XIX. AND be it further enacted, that no part of the United Kingdom of Great Britain and Ireland, nor the islands of Man, Guernsey, Jersey, Alderney,

Scotland, Ireland, and the adjacent

[\* Sections 16 and 17 are rep., from and after 1st January 1879, 37 & 38 Vict. c. 57. s. 9.]

islands, not to be deemed beyond seas.

or Sark, nor any island adjacent to any of them (being part of the dominions of his Majesty) shall be deemed to be beyond seas within the meaning of this Act.

When the right of any person to an estate in possession is barred, his right to future estates shall also be barred.

XX. AND be it further enacted, that when the right of any person to make an entry or distress or bring an action to recover any land or rent to which he may have been entitled for an estate or interest in possession shall have been barred by the determination of the period herein-before limited, which shall be applicable in such case, and such person shall at any time during the said period have been entitled to any other estate, interest, right, or possibility, in reversion, remainder, or otherwise, in or to the same land or rent, no entry, distress, or action shall be made or brought by such person, or any person claiming through him, to recover such land or rent, in respect of such other estate, interest, right, or possibility, unless in the meantime such land or rent shall have been recovered by some person entitled to an estate, interest, or right which shall have been limited or taken effect after or in defeasance of such estate or interest in possession.

Where right of tenant in tail is barred by lapse of time, remaindermen, whom he might have barred, shall not recover.

XXI. AND be it further enacted, that when the right of a tenant in tail of any land or rent to make an entry or distress or to bring an action to recover the same shall have been barred by reason of the same not having been made or brought within the period herein-before limited, which shall be applicable in such case, no such entry, distress, or action shall be made or brought by any person claiming any estate, interest, or right, which such tenant in tail might lawfully have barred.

Possession adverse to a tenant in tail shall run on against the remaindermen, whom he might have barred.

XXII. AND be it further enacted, that when a tenant in tail of any land or rent, entitled to recover the same, shall have died before the expiration of the period herein-before limited, which shall be applicable in such case, for making an entry or distress or bringing an action to recover such land or rent, no person claiming any estate, interest, or right, which such tenant in tail might lawfully have barred, shall make an entry or distress or bring an action to recover such land or rent but within the period during which, if such tenant in tail had so long continued to live, he might have made such entry or distress or brought such action.

Where there has been possession under an assurance by a tenant in tail, which did not bar the remaindermen, they shall be barred at the end of twenty years after the time when the assurance, if then executed, would have barred them.

[XXIII.] AND be it further enacted, that when a tenant in tail of any land or rent shall have made an assurance thereof, which shall not operate to bar an estate or estates to take effect after or in defeasance of his estate tail, and any person shall by virtue of such assurance, at the time of the execution thereof, or at any time afterwards, be in possession or receipt of the profits of such land, or in the receipt of such rent, and the same person, or any other person whatsoever (other than some person entitled to such possession or receipt in respect of an estate which shall have taken effect after or in defeasance of the estate tail), shall continue or be in such possession or receipt for the period of twenty years next after the commencement of the time at which such assurance, if it had then been executed by such tenant in tail or the person who would have been entitled to his estate tail if such assurance had not been executed, would, without the consent of any other person, have operated to bar such estate or estates as aforesaid, then at the expiration of such period of twenty years such assurance shall be and be deemed to have

been effectual as against any person claiming any estate, interest, or right to take effect after or in defeasance of such estate tail.

XXIV. AND be it further enacted, that after the said thirty-first day of December one thousand eight hundred and thirty-three no person claiming any land or rent in equity shall bring any suit to recover the same but within the period during which by virtue of the provisions herein-before contained he might have made an entry or distress or brought an action to recover the same respectively, if he had been entitled at law to such estate, interest, or right in or to the same, as he shall claim therein in equity.

No suit in equity to be brought after the time when the plaintiff, if entitled at law, might have brought an action.

XXV. PROVIDED always, and be it further enacted, that when any land or rent shall be vested in a trustee upon any express trust, the right of the cestuique trust, or any person claiming through him, to bring a suit against the trustee, or any person claiming through him, to recover such land or rent, shall be deemed to have first accrued, according to the meaning of this Act, at and not before the time at which such land or rent shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser and any person claiming through him.

In cases of express trust, the right shall not be deemed to have accrued until a conveyance to a purchaser, and then only against him.

XXVI. AND be it further enacted, that in every case of a concealed fraud the right of any person to bring a suit in equity for the recovery of any land or rent of which he, or any person through whom he claims, may have been deprived by such fraud, shall be deemed to have first accrued at and not before the time at which such fraud shall or with reasonable diligence might have been first known or discovered; provided that nothing in this clause contained shall enable any owner of lands or rents to have a suit in equity for the recovery of such lands or rents, or for setting aside any conveyance of such lands or rents, on account of fraud, against any bona fide purchaser for valuable consideration who has not assisted in the commission of such fraud, and who at the time that he made the purchase did not know and had no reason to believe that any such fraud had been committed.

In cases of fraud no time shall run while the fraud remains concealed.

Saving as to purchasers for valuable consideration without notice.

XXVII. PROVIDED always, and be it further enacted, that nothing in this Act contained shall be deemed to interfere with any rule or jurisdiction of courts of equity in refusing relief on the ground of acquiescence or otherwise to any person whose right to bring a suit may not be barred by virtue of this Act.

Saving as to refusing relief in equity on the ground of acquiescence or otherwise.

[XXVIII.\*] AND be it further enacted, that when a mortgagee shall have obtained the possession or receipt of the profits of any land, or the receipt of any rent comprised in his mortgage, the mortgagor or any person claiming through him shall not bring a suit to redeem the mortgage but within twenty years next after the time at which the mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment of the title of the mortgagor or of his right of redemption shall have been given to the mortgagor, or some person claiming his estate, or to the agent of such mortgagor or person in writing, signed by the mortgagee or the person claiming through him; and in such case no such suit shall be brought but within twenty years next after the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given; and when there shall be more than

Mortgagor to be barred at the end of twenty years from the time when the mortgagee took possession, or from the last written acknowledgment of title.

Effect of acknowledgment

[\* Section 28 is rep., from and after 1st January 1879, 37 & 38 Vict. c. 57. s. 9.]

in case of  
several mort-  
gagors;

• in case of  
several mort-  
gagees;

one mortgagor, or more than one person claiming through the mortgagor or mortgagors, such acknowledgment, if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons; but where there shall be more than one mortgagee, or more than one person claiming the estate or interest of the mortgagee or mortgagees, such acknowledgment, signed by one or more of such mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money or land or rent by, from, or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give to the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money or land or rent; and where such of the mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land or rent comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgaged money, the mortgagor or mortgagors shall be entitled to redeem the same divided part of the land or rent on payment, with interest, of the part of the mortgage money which shall bear the same proportion to the whole of the mortgage money as the value of such divided part of the land or rent shall bear to the value of the whole of the land or rent comprised in the mortgage.

No lands or  
rents to be  
recovered by  
ecclesiastical  
or eleemosy-  
nary corpora-  
tions sole but  
within two  
incumbencies  
and six years  
after, or sixty  
years.

XXIX. PROVIDED always, and be it further enacted, that it shall be lawful for any archbishop, bishop, dean, prebendary, parson, vicar, master of hospital, or other spiritual or eleemosynary corporation sole, to make an entry or distress or to bring an action or suit to recover any land or rent within such period as herein-after is mentioned next after the time at which the right of such corporation sole, or of his predecessor, to make such entry or distress or bring such action or suit shall first have accrued; (that is to say,) the period during which two persons in succession shall have held the office or benefice in respect whereof such land or rent shall be claimed, and six years after a third person shall have been appointed thereto, if the times of such two incumbencies and such term of six years taken together shall amount to the full period of sixty years; and if such times taken together shall not amount to the full period of sixty years, then during such further number of years in addition to such six years as will, with the time of the holding of such two persons and such six years, make up the full period of sixty years; and after the said thirty-first day of December one thousand eight hundred and thirty-three no such entry, distress, action, or suit shall be made or brought at any time beyond the determination of such period.

No advowson  
to be recovered  
but within  
three incum-  
bencies or  
sixty years.

XXX. AND be it further enacted, that after the said thirty-first day of December one thousand eight hundred and thirty-three no person shall bring any quare impedit or other action or any suit to enforce a right to present to or bestow any church, vicarage, or other ecclesiastical benefice, as the patron thereof, after the expiration of such period as herein-after is mentioned; (that is to say,) the period during which three clerks in succession shall have held the same, all of whom shall have obtained possession thereof adversely to the right of presentation or gift of such person, or of some person through whom he claims, if the times of such incumbencies taken together shall amount to

the full period of sixty years ; and if the times of such incumbencies shall not together amount to the full period of sixty years, then after the expiration of such further time as with the times of such incumbencies will make up the full period of sixty years.

XXXI. PROVIDED always, and be it further enacted, that when on the avoidance, after a clerk shall have obtained possession of an ecclesiastical benefice adversely to the right of presentation or gift of the patron thereof, a clerk shall be presented or collated thereto by his Majesty or the ordinary by reason of a lapse, such last-mentioned clerk shall be deemed to have obtained possession adversely to the right of presentation or gift of such patron as aforesaid ; but when a clerk shall have been presented by his Majesty upon the avoidance of a benefice in consequence of the incumbent thereof having been made a bishop, the incumbency of such clerk shall, for the purposes of this Act, be deemed a continuation of the incumbency of the clerk so made bishop.

Incumbencies after lapse to be reckoned in the period, but not incumbencies after promotions to bishoprics.

XXXII. AND be it further enacted, that in the construction of this Act every person claiming a right to present to or bestow any ecclesiastical benefice, as patron thereof, by virtue of any estate, interest, or right which the owner of an estate tail in the advowson might have barred, shall be deemed to be a person claiming through the person entitled to such estate tail, and the right to bring any quare impedit, action, or suit shall be limited accordingly.

Persons claiming an advowson in remainder, &c. after an estate tail shall be deemed persons claiming through tenant in tail.

XXXIII. PROVIDED always, and be it further enacted, that after the said thirty-first day of December one thousand eight hundred and thirty-three no person shall bring any quare impedit or other action or any suit to enforce a right to present to or bestow any ecclesiastical benefice, as the patron thereof, after the expiration of one hundred years from the time at which a clerk shall have obtained possession of such benefice adversely to the right of presentation or gift of such person, or of some person through whom he claims, or of some person entitled to some preceding estate or interest, or undivided share or alternate right of presentation or gift, held or derived under the same title, unless a clerk shall subsequently have obtained possession of such benefice on the presentation or gift of the person so claiming, or of some person through whom he claims, or of some other person entitled in respect of an estate, share, or right held or derived under the same title.

No advowson to be recovered after one hundred years.

XXXIV. AND be it further enacted, that at the determination of the period limited by this Act to any person for making an entry or distress, or bringing any writ of quare impedit or other action or suit, the right and title of such person to the land, rent, or advowson, for the recovery whereof such entry, distress, action, or suit respectively might have been made or brought within such period, shall be extinguished.

At the end of any period of limitation the right of the party out of possession shall be extinguished.

XXXV. AND be it further enacted, that the receipt of the rent payable by any tenant from year to year, or other lessee, shall, as against such lessee or any person claiming under him (but subject to the lease), be deemed to be the receipt of the profits of the land for the purposes of this Act.

Receipt of rent to be deemed receipt of profits.

XXXVI. AND be it further enacted, that no writ of right patent, writ of right quia dominus remisit curiam, writ of right in capite, writ of right in London, writ of right close, writ of right de rationabili parte, writ of right of advowson, writ of right upon disclaimer, writ de rationabilibus divisis, writ

Abolition of real and mixed actions, except ejectment.



of right of ward, writ de consuetudinibus et servitiis, writ of cessavit, writ of escheat, writ of quo jure, writ of secta ad molendinum, writ de essendo quietum de theolonio, writ of ne injuste vexes, writ of mesne, writ of quod permittat, writ of formedon in descender, in remainder, or in reverter, writ of assize of novel disseisin, nuisance, darrein-presentment, juris utrum, or mort d'ancestor, writ of entry sur disseisin, in the quibus, in the per, in the per and cui, or in the post, writ of entry sur intrusion, writ of entry sur alienation dum fuit non compos mentis, dum fuit infra ætatem, dum fuit in prisona, ad communem legem, in casu proviso, in consimili casu, cui in vita, sur cui in vita, cui ante divortium, or sur cui ante divortium, writ of entry sur abatement, writ of entry quare ejecit infra terminum, or ad terminum qui præterit, or causa matrimonii prælocuti, writ of aiel, besaiel, tresaiel, cosinage, or nuper obiit, writ of waste, writ of partition, writ of disceit, writ of quod ei deforceat, writ of covenant real, writ of warrantia chartæ, writ of curia claudenda, or writ per quæ servitia, and no other action real or mixed (except . . . an ejectment), and no plaint in the nature of any such writ or action . . . shall be brought after the thirty-first day of December one thousand eight hundred and thirty-four.

\* \* \* \* \*

No descent, warranty, &c. to bar a right of entry.

XXXIX. AND be it further enacted, that no descent cast, discontinuance, or warranty, which may happen or be made after the said thirty-first day of December one thousand eight hundred and thirty-three, shall toll or defeat any right of entry or action for the recovery of land.

Money charged upon land and legacies to be deemed satisfied at the end of twenty years if there shall be no interest paid or acknowledgment in writing in the meantime.

[XL.] AND be it further enacted, that after the said thirty-first day of December one thousand eight hundred and thirty-three no action or suit or other proceeding shall be brought to recover any sum of money secured by any mortgage, judgment, or lien, or otherwise charged upon or payable out of any land or rent, at law or in equity, or any legacy, but within twenty years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the meantime some part of the principal money, or some interest thereon, shall have been paid, or some acknowledgment of the right thereto shall have been given in writing signed by the person by whom the same shall be payable, or his agent, to the person entitled thereto or his agent; and in such case no such action or suit or proceeding shall be brought but within twenty years after such payment or acknowledgment, or the last of such payments or acknowledgments if more than one, was given.

No arrears of dower to be recovered for more than six years.

XLI. AND be it further enacted, that after the said thirty-first day of December one thousand eight hundred and thirty-three no arrears of dower, nor any damages on account of such arrears, shall be recovered or obtained by any action or suit for a longer period than six years next before the commencement of such action or suit.

No arrears of rent or interest in respect of money charged upon land and legacies, &c. to be recovered for more than six years.

XLII. AND be it further enacted, that after the said thirty-first day of December one thousand eight hundred and thirty-three no arrears of rent or of interest in respect of any sum of money charged upon or payable out of any land or rent, or in respect of any legacy, or any damages in respect of such arrears of rent or interest, shall be recovered by any distress, action, or suit,

[\* Section 40 is rep., from and after 1st January 1879, 37 & 38 Vict. c. 57. s. 9.]

but within six years next after the same respectively shall have become due, or next after an acknowledgment of the same in writing shall have been given to the person entitled thereto, or his agent, signed by the person by whom the same was payable, or his agent: Provided nevertheless, that where any prior mortgagee or other incumbrancer shall have been in possession of any land, or in the receipt of the profits thereof, within one year next before an action or suit shall be brought by any person entitled to a subsequent mortgage or other incumbrance on the same land, the person entitled to such subsequent mortgage or incumbrance may recover in such action or suit the arrears of interest which shall have become due during the whole time that such prior mortgagee or incumbrancer was in such possession or receipt as aforesaid, although such time may have exceeded the said term of six years.

Proviso where a prior mortgage has been in possession.

XLIII. AND be it further enacted, that after the said thirty-first day of December one thousand eight hundred and thirty-three no person claiming any tithes, legacy, or other property for the recovery of which he might bring an action or suit at law or in equity, shall bring a suit or other proceeding in any spiritual court to recover the same but within the period during which he might bring such action or suit at law or in equity.

No suit shall be brought in spiritual courts after the time when an action, &c. may be brought at law or in equity.

XLIV. PROVIDED always, and be it further enacted, that this Act shall not extend to Scotland ; . . . . .

This Act not to extend to Scotland.

\* \* \* \* \*

## CHAPTER XXIX.

AN ACT to make further Provisions with respect to the Payment of Pensions granted for Service in the Royal Artillery, Engineers, and other Military Corps under the Controul of the Master General and Board of Ordnance, and with respect to Deductions hereafter to be made from Pensions granted by the Commissioners of Chelsea Hospital. [24th July 1833.]

WHEREAS it is expedient that the pensions, allowance, and relief payable to soldiers and others disabled, invalid, or discharged from the royal artillery, engineers, and other military corps, which have hitherto been granted and paid by or under the authority of the board of ordnance, should hereafter be granted and paid by and under the authority of the lords and others commissioners of the royal hospital for soldiers at Chelsea in the county of Middlesex, under the like rules, provisions, and regulations as pensions, allowances, and relief granted to other disabled, invalid, and discharged soldiers: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the whole of the said pensions, allowances, and relief payable to soldiers and others discharged from the royal artillery, engineers, and other military corps which have been heretofore granted and paid by the said master general and board of ordnance, shall be granted and paid by and be under the power, management, controul, direction, and authority of the said commissioners of Chelsea hospital.

Pensions to artillerymen, &c. heretofore granted by board of ordnance shall be granted by commissioners of Chelsea hospital.

II. AND be it further enacted, that all the clauses, rules, regulations, powers, pains, forfeitures, matters, and things contained in any Act or Acts of Parliament now in force relating to pensions granted or to be granted to disabled, invalid,

Regulations as to army pensions shall apply to pen-

sions under  
this Act.

or discharged soldiers, shall be applicable and applied and put in force for the purposes of this Act, with respect to all subsisting pensions already granted by the board of ordnance on account of the services herein-before mentioned, and to all pensions, relief, and allowances hereafter to be granted and payable to soldiers and others on account of such services.

\* \* \* \* \*

No fee to be  
taken from  
Chelsea out-  
pensioners for  
administering  
oath on receipt  
of pension, &c.

IV. AND be it enacted, that all orders made by non-commissioned officers and soldiers for the payment of prize money, executed in any part of the United Kingdom, for sums not exceeding forty shillings, shall be exempt from stamp duty, and for sums exceeding forty shillings shall be subject to a stamp duty of one shilling only; and that [Rep., Stat. Law Rev. Act, 1874.] no fee or payment whatever shall be demanded or taken from any out-pensioner of Chelsea hospital, or charged against him, for administering or attesting any oath necessary or required to be taken for the receipt of any pension or allowance of money payable at or from Chelsea hospital, or for the making or executing or attesting any assignment of out-pension, or orders of justices relating to any out-pension, or to any payment on account thereof.

## CHAPTER XXX.

AN ACT to exempt from Poor and Church Rates all Churches, Chapels, and other Places of Religious Worship. [24th July 1833.]

WHEREAS it is expedient that churches, chapels, and other places exclusively appropriated to public religious worship should be exempt from the payment of poor and church rates: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of October one thousand eight hundred and thirty-three no person or persons shall be rated or shall be liable to be rated or to pay to any church or poor rates or cesses, for or in respect of any churches, district churches, chapels, meeting houses, or premises, or such part thereof as shall be exclusively appropriated to public religious worship, and which (other than churches, district churches, and episcopal chapels of the established church) shall be duly certified for the performance of such religious worship according to the provision of any Act or Acts now in force: Provided always, that no person or persons shall be hereby exempted from any such rates or cesses for or in respect of any parts of such churches, district churches, chapels, meeting houses, or other premises which are not so exclusively appropriated, and from which parts not so exclusively appropriated such person or persons shall receive any rent or rents, or shall derive profit or advantage.

No persons  
shall be rated  
to church or  
poor rates for  
churches or  
places exclu-  
sively appro-  
priated to pub-  
lic religious  
worship, and  
duly certified.

Persons not to  
be liable to  
rates because  
premises are  
used for Sun-  
day schools,  
&c.

II. PROVIDED always, and be it enacted, that no person or persons shall be liable to any such rates or cesses because the said churches, district churches, chapels, meeting houses, or other premises, or any vestry rooms belonging thereto, or any part thereof, may be used for Sunday or infant schools, or for the charitable education of the poor.

## CHAPTER XXXI.

AN ACT to enable the Election of Officers of Corporations and other Public Companies now required to be held on the Lord's Day to be held on the Saturday next preceding, or on the Monday next ensuing.

[24th July 1833.]

**W**HEREAS the profanation of the Lord's day is greatly increased by reason of certain meetings which are usually or occasionally held thereon: And whereas it is the duty of the legislature to remove as much as possible impediments to the due observance of the Lord's day: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every meeting or adjourned meeting of any vestry or corporation, whether ecclesiastical or civil, or of any public company, for the nomination, election, appointment, swearing in, or admission of any officer or officers, or for the transaction of any other secular affair of such vestry, corporation, or company, and every other meeting of a public and secular nature, which, according to any Act of Parliament, or according to any charter, grant, constitution, deed, testament, law, prescription, or usage whatsoever, is or shall be required to be held on any Lord's day, or on any day which shall happen to be on a Lord's day, shall be held on the Saturday next preceding or on the Monday next ensuing, at the like hour, with like form and effect, as if the same had been held on such Lord's day; and every matter transacted at any such meeting or adjourned meeting held upon any Lord's day shall be absolutely void and of none effect, to all intents and purposes whatsoever: Provided always, that when no such nomination, election, appointment, swearing in, or admission shall have taken place on such Saturday, every person whose term of office would, according to any such Act, charter, grant, constitution, deed, testament, law, prescription, or usage, have expired on any such Lord's day, shall continue in office, and exercise and enjoy all the powers and privileges annexed or relating to such office, until and on such Monday next ensuing, in the same manner as if such Monday had been the customary day of nomination, election, appointment, swearing in, or admission.

Elections of officers of corporations and other public companies and other meetings now required to be held on a Sunday shall be held on the Saturday preceding or the Monday following.

If election does not take place on the Saturday the person holding the office shall continue so to do until the Monday.

II. AND be it further enacted, that whenever the nomination, election, appointment, swearing in, or admission of any such officer or officers as before mentioned shall not take place on such Saturday or Monday, or shall become void, the case shall be and is hereby declared to be within the provisions of an Act made and passed in the eleventh year of his late Majesty King George the First, intituled "An Act for preventing the inconveniences arising for want of elections of mayors or other chief magistrates of boroughs or corporations being made upon the days appointed by charter or usage for that purpose, and directing in what manner such elections shall be afterwards made," as fully and effectually as if such officer or officers had been expressly named in the said Act.

When election does not take place on such Saturday or Monday, &c., the case shall be taken to be within the provisions of 11 Geo. 1. c. 4.

## CHAPTER XXXII.

AN ACT to amend the several Acts authorizing Advances for carrying on Public Works. [24th July 1833.]

**W**HEREAS certain commissioners have been appointed under the authority of an Act passed in the fifty-seventh year of the reign of his Majesty King George the Third, intituled "An Act to authorize the issue of Exchequer bills and the advance of money out of the consolidated fund to a limited amount, for the carrying on of public works and fisheries in the United Kingdom, and employment of the poor in Great Britain, in manner therein mentioned": And whereas another Act of Parliament was passed in the same session of Parliament to amend the said recited Act: And whereas the said recited Acts have been amended, and the powers thereof extended by several Acts passed in the fifty-eighth year of the reign of his Majesty King George the Third, and in the first, third, fourth, fifth, sixth, seventh, and seventh and eighth years of his late Majesty King George the Fourth: And whereas the said commissioners have made various loans and advances under or by virtue of local Acts of Parliament; and doubts have arisen whether such loans and advances can be held and considered to have been made by the said commissioners under the powers of the said Act of the fifty-seventh year of the reign of his Majesty King George the Third, and of the said several Acts for amending the same; and it is expedient that such doubts should be removed: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all and every loan or advance heretofore made, or which shall be made by the said commissioners under or by virtue of any local Act or Acts of Parliament, shall be held and considered to have been made by the said commissioners under the powers of the said Act of the fifty-seventh year of the reign of his Majesty King George the Third, and the several Acts for amending the same, and shall be subject to the same powers and authorities in all respects as if the said loan or advance had been made under the authority of the said last-mentioned Acts.

57 Geo. 3.  
c. 34.

57 Geo. 3.  
c. 124.

58 Geo. 3.  
c. 88.  
1 Geo. 4. c. 60.  
3 Geo. 4. c. 86.  
5 Geo. 4. c. 77.  
6 Geo. 4. c. 35.  
7 Geo. 4. c. 30.  
7 & 8 Geo. 4.  
c. 47.

Loans made  
under local  
Acts shall be  
subject to the  
provisions of  
57 Geo. 3.  
c. 34., &c.

## CHAPTER XXXV.

AN ACT to remedy certain Defects as to the Recovery of Rates and Assessments made by Commissioners and other Persons under divers Inclosure and Drainage Acts after the Execution of the final Awards of the said Commissioners. [24th July 1833.]

**W**HEREAS divers Acts of Parliament have from time to time been passed for the inclosure, drainage, and improvement of divers lands, commons, and waste grounds, wherein commissioners are empowered to set out and make private roads and drains, banks, bridges, sluices, and other works: And whereas it hath been discovered, since the passing of the said Acts, that there are no powers therein for the recovery of the rates or assessments from time to time after the making of the respective final awards of the commissioners acting in execution of the said Acts, under or by virtue of the said Acts or

the said awards, or under or by virtue of powers, authorities, or directions given or contained in the said Acts or awards, for defraying the expences of repairing, superintending, or renewing the said roads, drains, banks, bridges, sluices, and other works, whereby great inconvenience and losses have been sustained for want of such powers: And whereas it is expedient that a summary mode of proceeding should be granted for the purpose of recovering and enforcing the payment of such rates or assessments: For remedy whereof, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases where no such remedy shall have been given, and where any such rate or assessment, rates or assessments, already made or hereafter to be made, or any part thereof, and whether made at one time or at several times, shall have been or shall be in arrear and unpaid for the space of twenty-one days after a notice in writing requiring payment thereof shall have been personally served on or left at the place of abode of the person or persons, or one of the persons, by whom the said rate or assessment, rates or assessments, ought to be paid, or at the place of abode of the tenant or occupier of the lands or grounds in respect of which the said rate or assessment, rates or assessments, is or are made, it shall and may be lawful for any two or more of his Majesty's justices of the peace acting for any county, riding, or division, in petty sessions assembled (not interested in the matter in question), and who are hereby required, upon complaint made to them by the person or persons, or any one of the persons, to whom for the time being the said rate or assessment or rates or assessments ought to be paid, or by the person or persons, or any one of the persons, who for the time being shall be duly appointed to make or collect such rate or assessment or rates or assessments, to summon the person or persons from whom any rate or assessment, rates or assessments, shall be due, and the witnesses on both sides, and upon the appearance or contempt of the party or parties accused, or any of them, to examine such party or parties and witness or witnesses as may be then present, upon oath (which oath such justices are hereby authorized and empowered to administer), and to give judgment accordingly upon the matters and things brought before them, and by warrant or warrants under the hands and seals of such justices to levy the amount of all and every such rate or assessment, rates or assessments, so in arrear and unpaid, by distress and sale of the goods and chattels of the person or persons so making default in payment of such rate or assessment, rates or assessments, where-soever the same can or may be found, or of the occupier or occupiers of any lands or grounds belonging to such person or persons in respect of which such rate or assessment, rates or assessments, is or are made, which may be found on such lands or grounds, together with the reasonable costs and charges of such proceeding, rendering the overplus arising by such sale (if any), after deducting the sum or sums to be levied by such distress and sale, and the charges of taking, keeping, appraising, and selling the said distress, to the owner thereof (on demand); and the respective tenants of all the lands on which such distress shall be taken are hereby authorized and required to pay any sum of money for which such distress shall be made, and to deduct the same out of his, her, or their rent; and every tenant making such payment

Recovery of rates or assessments under inclosure Acts, &c., where no remedy has been already given.

shall be acquitted, exonerated, and discharged for so much money as shall be by him or her so paid : Provided always, that no such levy by distress and sale shall be made in respect of any such rate or assessment when more than six years shall have elapsed from the time when such rate or assessment first became due, unless a promise in writing to pay the said rate or assessment shall have been given by the person or persons liable to the payment thereof to some person duly authorized to receive the same ; and when such promise has been given, no such levy by distress or sale shall take place when more than six years shall have elapsed from the time that such promise was given : Provided also, that no such levy by distress and sale shall in any case exceed the amount of the rent due.

Form of war-  
rant of dis-  
tress.

II. AND be it further enacted, that the justices by whom any such warrant of distress shall be issued may cause such warrant to be drawn up in the following form of words, or in any other form to the same effect ; (that is to say,)

'To the constable of the \_\_\_\_\_ in the county of \_\_\_\_\_  
' } **W**HEREAS in and by a certain rate or assessment, dated the \_\_\_\_\_  
' to wit. } \_\_\_\_\_ and made for [here in substance describe the  
' purposes of the rate] A.B. of \_\_\_\_\_ in the parish of \_\_\_\_\_ in  
' the county of \_\_\_\_\_ was duly rated and assessed in the sum of \_\_\_\_\_  
' [if more than one rate or assessment, recite the others in the same manner] :  
' And whereas it appeareth unto us, two (or more) of his Majesty's justices  
' of the peace for the said (county, riding, or division, as the case may be),  
' upon the complaint of C.D. of \_\_\_\_\_, the person to whom the said rate  
' or assessment ought to be paid, (or otherwise, as the case may be,) that a  
' notice in writing, requiring payment of the said sum (or said several sums),  
' was personally served on the said A.B., (or left at the place of abode of the  
' said A.B., or of the tenant or occupier of the lands or grounds,) to wit, on  
' the \_\_\_\_\_ day of \_\_\_\_\_ last, and that default has been made in  
' payment thereof for the space of twenty-one days next after such notice so  
' served (or left), and that the same sum (or several sums, or a certain part of  
' such sum or sums, as the case may be,) is (or are) still due and unpaid : And  
' whereas it having been duly proved to us, upon oath, that the said A.B. hath  
' been duly summoned to appear before us, the said justices, to show cause  
' why the said rate or assessment (rates or assessments) should not be paid ;  
' and he the said A.B. having appeared before us (or, and he the said A.B.  
' having neglected to appear accordingly before us, as the case may be,)  
' according to such summons, and not having shown to us any sufficient cause  
' why the said sum so as aforesaid due and unpaid should not be paid : These  
' are therefore to require you forthwith to make distress of the goods and  
' chattels of him the said A.B. wheresoever they may be found, or of the  
' occupier or occupiers of the lands or grounds or some part thereof belonging  
' to the said A.B. in respect of which the said rate or assessment (rates or  
' assessments) is (or are) made, which may be found in and upon such lands or  
' grounds ; and if within the space of five days next after such distress by you  
' taken, the sum of \_\_\_\_\_ and also the further sum of \_\_\_\_\_, being the  
' costs already incurred in the premises, making together the sum of \_\_\_\_\_,  
' together with the reasonable charges of taking and keeping the said distress,  
' shall not be paid, that then you do sell the said goods and chattels so by you  
' distrained, and out of the money arising by such sale that you detain the

‘ said sum of                      and also your reasonable charges of taking, keeping,  
 ‘ appraising, and selling the said distress, rendering to him the said A.B. the  
 ‘ overplus on demand. Given under our hands and seals this  
 ‘ day of                      one thousand eight hundred and thirty .’

III. AND be it further enacted, that if any person or persons shall think Appeal.  
 himself, herself, or themselves aggrieved by any thing done in pursuance of  
 this Act, then and in every such case he, she, or they may appeal to the next  
 court of general quarter sessions of the peace which shall be holden not less  
 than ten days after the cause of such complaint for the county, riding, division,  
 or place wherein the cause of complaint shall have arisen ; provided that such  
 person shall give to the complainant a notice in writing of such appeal, and of  
 the cause and matter thereof, within eight days after such cause of complaint,  
 and six clear days at the least before such sessions, and shall also enter into a  
 recognizance within such six days, with sufficient surety, before a justice of the  
 peace for the same county, riding, division, or place, conditioned to appear at  
 the said sessions, and to try such appeal, and to abide the judgment of the  
 court thereupon, and to pay such costs as shall be awarded by the court ; and  
 the court at such sessions shall hear and determine the matter of such appeal,  
 and shall make such order therein; with or without costs to either party, as to  
 the court shall seem meet.

IV. AND be it further enacted, that no such warrant of distress or adjudica-  
 tion made on appeal therefrom shall be quashed for want of form.

Warrant, &c.  
 not to be  
 quashed for  
 want of form.

\* \* \* \* \*

## CHAPTER XLI.

AN ACT for the better Administration of Justice in His Majesty's Privy  
 Council. [14th August 1833.]

WHEREAS by virtue of an Act passed in a session of Parliament of the  
 second and third years of the reign of his present Majesty, intituled  
 “ An Act for transferring the powers of the High Court of Delegates, both 2 & 3 Will. 4.  
c. 92.  
 “ in ecclesiastical and maritime causes, to his Majesty in council,” it was  
 enacted, that from and after the first day of February one thousand eight  
 hundred and thirty-three it should be lawful for every person who might  
 theretofore, by virtue either of an Act passed in the twenty-fifth year of the  
 reign of King Henry the Eighth, intituled “ The submission of the clergy and 25 Hen. 8.  
c. 19.  
 “ restraint of appeals,” or of an Act passed in the eighth year of the reign of  
 Queen Elizabeth, intituled “ For the avoiding of tedious suits in civil and 8 Eliz. c. 5.  
 “ marine causes,” have appealed or made suit to his Majesty in his High  
 Court of Chancery, to appeal or make suit to the King's Majesty, his heirs or  
 successors, in council, within such time, in such manner, and subject to such  
 rules, orders, and regulations for the due and more convenient proceeding, as  
 should seem meet and necessary, and upon such security, if any, as his  
 Majesty, his heirs and successors, should from time to time by order in  
 council direct: And whereas, by letters patent under the great seal of Great  
 Britain, certain persons, members of his Majesty's privy council, together with  
 others, being judges and barons of his Majesty's courts of record at West-  
 minster, have been from time to time appointed to be his Majesty's commis-

c c 2



sioners for receiving, hearing, and determining appeals from his Majesty's courts of admiralty in causes of prize: And whereas, from the decisions of various courts of judicature in the East Indies, and in the plantations, colonies, and other dominions of his Majesty abroad, an appeal lies to his Majesty in council: And whereas matters of appeal or petition to his Majesty in council have usually been heard before a committee of the whole of his Majesty's privy council, who have made a report to his Majesty in council, whereupon the final judgment or determination hath been given by his Majesty: And whereas it is expedient to make certain provisions for the more effectual hearing and reporting on appeals to his Majesty in council and on other matters, and to give such powers and jurisdiction to his Majesty in council as herein-after mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the president for the time being of his Majesty's privy council, the lord high chancellor of Great Britain for the time being, and such of the members of his Majesty's privy council as shall from time to time hold any of the offices following, that is to say, the office of lord keeper or first lord commissioner of the great seal of Great Britain, lord chief justice or judge of the Court of King's Bench, master of the rolls, vice chancellor of England, lord chief justice or judge of the Court of Common Pleas, lord chief baron or baron of the Court of Exchequer, . . . . . judge of the High Court of Admiralty, and chief judge of the Court in Bankruptcy, and also all persons, members of his Majesty's privy council, who shall have been president thereof or held the office of lord chancellor of Great Britain, or shall have held any of the other offices herein-before mentioned, shall form a committee of his Majesty's said privy council, and shall be styled "The Judicial Committee of the Privy Council": Provided nevertheless, that it shall be lawful for his Majesty from time to time, as and when he shall think fit, by his sign manual, to appoint any two other persons, being privy councillors, to be members of the said committee.

Certain members of privy council to form a committee to be styled "The Judicial Committee of the Privy Council,"

Appeals from courts of admiralty or vice admiralty courts abroad, &c. shall be made to the King in council.

II. AND be it further enacted, that from and after the first day of June one thousand eight hundred and thirty-three all appeals or applications in prize suits and in all other suits or proceedings in the courts of admiralty, or vice admiralty courts, or any other court in the plantations in America and other his Majesty's dominions or elsewhere abroad, which may now by virtue of any law, statute, commission, or usage, be made to the High Court of Admiralty in England, or to the lords commissioners in prize cases, shall be made to his Majesty in council, and not to the said High Court of Admiralty in England or to such commissioners as aforesaid; and such appeals shall be made in the same manner and form and within such time wherein such appeals might, if this Act had not been passed, have been made to the said High Court of Admiralty or to the lords commissioners in prize cases respectively; and that all laws or statutes now in force with respect to any such appeals or applications shall apply to any appeals to be made in pursuance of this Act to his Majesty in council.

Appeals to King in council from sentence of any

III. AND be it further enacted, that all appeals or complaints in the nature of appeals whatever, which either by virtue of this Act, or of any law, statute, or custom, may be brought before his Majesty or his Majesty in council from

or in respect of the determination, sentence, rule, or order of any court, judge, or judicial officer, and all such appeals as are now pending and unheard, shall from and after the passing of this Act be referred by his Majesty to the said judicial committee of his privy council, and that such appeals, causes, and matters shall be heard by the said judicial committee, and a report or recommendation thereon shall be made to his Majesty in council for his decision thereon as heretofore, in the same manner and form as has been heretofore the custom with respect to matters referred by his Majesty to the whole of his privy council or a committee thereof (the nature of such report or recommendation being always stated in open court).

judge, &c. shall be referred to the committee, to report thereon.

IV. AND be it further enacted, that it shall be lawful for his Majesty to refer to the said judicial committee for hearing or consideration any such other matters whatsoever as his Majesty shall think fit; and such committee shall thereupon hear or consider the same, and shall advise his Majesty thereon in manner aforesaid.

His Majesty may refer any other matters to the committee.

V. AND be it further enacted, that . . . no report or recommendation shall be made to his Majesty unless a majority of the members of such judicial committee present at the hearing shall concur in such report or recommendation: Provided always, that nothing herein contained shall prevent his Majesty, if he shall think fit, from summoning any other of the members of his said privy council to attend the meetings of the said committee.

No report to be made unless with concurrence of majority present. Other members of council may be summoned to attend.

VI. AND be it further enacted, that in case his Majesty shall be pleased, by directions under his sign manual, to require the attendance at the said committee for the purposes of this Act of any member or members of the said privy council who shall be a judge or judges of the Court of King's Bench, or of the Court of Common Pleas, or of the Court of Exchequer, such arrangements for dispensing with the attendance of such judge or judges upon his or their ordinary duties during the time of such attendance at the privy council as aforesaid shall be made by the judges of the court or courts to which such judge or judges shall belong respectively in regard to the business of the court, and by the judges of the said three courts, or by any eight or more of such judges, including the chiefs of the several courts, in regard to all other duties, as may be necessary and consistent with the public service.

If his Majesty directs the attendance of any member who is a judge, the other judges of the court to which he belongs shall arrange with regard to the business of the court.

VII. AND be it enacted, that it shall be lawful for the said judicial committee, in any matter which shall be referred to such committee, to examine witnesses by word of mouth (and either before or after examination by deposition), or to direct that the depositions of any witness shall be taken in writing by the registrar of the said privy council to be appointed by his Majesty as herein-after mentioned, or by such other person or persons, and in such manner, order, and course, as his Majesty in council or the said judicial committee shall appoint and direct; and that the said registrar and such other person or persons so to be appointed shall have the same powers as are now possessed by an examiner of the High Court of Chancery or of any court ecclesiastical.

Committee may take evidence viva voce, or upon written depositions.

VIII. AND be it enacted, that in any matter which shall come before the said judicial committee it shall be lawful for the said committee to direct that such witnesses shall be examined or re-examined, and as to such facts as to the said committee shall seem fit, notwithstanding any such witness may not have been examined, or no evidence may have been given on any such facts in a

Committee may order any particular witnesses to be examined, and as to any particular facts,

and may remit  
causes for  
rehearing.

previous stage of the matter; and it shall also be lawful for his Majesty in council, on the recommendation of the said committee, upon any appeal, to remit the matter which shall be the subject of such appeal to the court from the decision of which such appeal shall have been made, and at the same time to direct that such court shall rehear such matter, in such form, and either generally or upon certain points only, and upon such rehearing take such additional evidence, though before rejected, or reject such evidence before admitted, as his Majesty in council shall direct; and further, on any such remitting or otherwise, it shall be lawful for his Majesty in council to direct that one or more feigned issue or issues shall be tried in any court in any of his Majesty's dominions abroad, for any purpose for which such issue or issues shall to his Majesty in council seem proper.

Witnesses to  
be examined  
on oath, and  
to be liable to  
punishment  
for perjury.

IX. AND be it enacted, that every witness who shall be examined in pursuance of this Act shall give his or her evidence upon oath, or if a Quaker or Moravian upon solemn affirmation, which oath and affirmation respectively shall be administered by the said judicial committee and registrar, and by such other person or persons as his Majesty in council or the said judicial committee shall appoint; and that every such witness who shall wilfully swear or affirm falsely shall be deemed guilty of perjury, and shall be punished accordingly.

Committee  
may direct  
feigned issues;

X. AND be it enacted, that it shall be lawful for the said judicial committee to direct one or more feigned issue or issues to be tried in any court of common law, and either at bar, before a judge of assize, or at the sittings for the trial of issues in London or Middlesex, and either by a special or common jury, in like manner and for the same purpose as is now done by the High Court of Chancery.

and may, in  
certain cases,  
direct depo-  
sitions to be  
read, &c. at  
the trial of the  
issue;

XI. AND be it enacted, that it shall be in the discretion of the said judicial committee to direct that, on the trial of any such issue, the depositions already taken of any witness who shall have died, or who shall be incapable to give oral testimony, shall be received in evidence; and further, that such deeds evidences, and writings shall be produced, and that such facts shall be admitted, as to the said committee shall seem fit.

and may make  
orders as to the  
admission of  
witnesses;

XII. AND be it enacted, that it shall be lawful for the said judicial committee to make such and the like orders respecting the admission of persons, whether parties or others, to be examined as witnesses upon the trial of any such issues as aforesaid, as the lord high chancellor or the Court of Chancery has been used to make respecting the admission of witnesses upon the trial of issues directed by the lord chancellor or the Court of Chancery.

and may direct  
new trials of  
issues.

XIII. AND be it enacted, that it shall be lawful for the said judicial committee to direct one or more new trial or new trials of any issue, either generally or upon certain points only; and that in case any witness examined at a former trial of the same issue shall have died, or have, through bodily or mental disease or infirmity, become incapable to repeat his testimony, it shall be lawful for the said committee to direct that parol evidence of the testimony of such witness shall be received.

XIV. AND whereas by an Act passed in the thirteenth year of his late Majesty King George the Third, and intituled "An Act for establishing certain regulations for the better management of the affairs of the East India company, as well in India as in Europe," and by an Act passed in the first year of the reign of his present Majesty, and intituled "An Act to enable the

" courts of law to order the examination of witnesses upon interrogatories " and otherwise," certain powers are given to certain courts therein mentioned to enforce and provisions are made for the examination of witnesses by commission, upon interrogatories and otherwise: Be it therefore further enacted, that all the powers and provisions contained in the two last-mentioned Acts, or either of them, shall extend to and be exercised by the said judicial committee in all respects as if such committee had been therein named as one of his Majesty's courts of law at Westminster.

Powers of  
13 Geo. 3.  
c. 68. and  
1 Will. 4. c. 22.  
shall extend to  
the judicial  
committee.

XV. AND be it enacted, that the costs incurred in the prosecution of any appeal or matter referred to the said judicial committee, and of such issues as the same committee shall under this Act direct, shall be paid by such party or parties, person or persons, and be taxed by the aforesaid registrar, or such other person or persons, to be appointed by his Majesty in council or the said judicial committee, and in such manner as the said committee shall direct.

Costs to be in  
the discretion  
of the com-  
mittee.

XVI. AND be it further enacted, that the orders or decrees of his Majesty in council made, in pursuance of any recommendation of the said judicial committee, in any matter of appeal from the judgment or order of any court or judge, shall be enrolled for safe custody in such manner, and the same may be inspected and copies thereof taken under such regulations, as his Majesty in council shall direct.

Decrees to be  
enrolled.

XVII. AND be it further enacted, that it shall be lawful for the said committee to refer any matters to be examined and reported on to the aforesaid registrar, or to such other person or persons as shall be appointed by his Majesty in council or by the said judicial committee, in the same manner and for the like purposes as matters are referred by the Court of Chancery to a master of the said court; and that for the purposes of this Act the said registrar and the said person or persons so to be appointed shall have the same powers and authorities as are now possessed by a master in Chancery.

Committee  
may refer mat-  
ters to regis-  
trar in the same  
manner as  
matters are by  
the Court of  
Chancery re-  
ferred to a  
master.

XVIII. AND be it further enacted, that it shall be lawful for his Majesty, under his sign manual, to appoint any person to be the registrar of the said privy council, as regards the purposes of this Act, and to direct what duties shall be performed by the said registrar.

His Majesty  
may appoint  
registrar.

XIX. AND be it further enacted, that it shall be lawful for the president for the time being of the said privy council to require the attendance of any witnesses, and the production of any deeds, evidences, or writings, by writ to be issued by such president in such and the same form, or as nearly as may be, as that in which a writ of subpoena ad testificandum or of subpoena duces tecum is now issued by his Majesty's Court of King's Bench at Westminster; and that every person disobeying any such writ so to be issued by the said president shall be considered as in contempt of the said judicial committee, and shall also be liable to such and the same penalties and consequences as if such writ had issued out of the said Court of King's Bench, and may be sued for such penalties in the said court.

Attendance of  
witnesses, and  
production of  
papers, &c.,  
may be com-  
pelled by sub-  
pœna.

XX. AND be it further enacted, that all appeals to his Majesty in council shall be made within such times respectively within which the same may now be made, where such time shall be fixed by any law or usage, and where no such law or usage shall exist, then within such time as shall be ordered by his Majesty in council; and that, subject to any right subsisting under any charter or constitution of any colony or plantation, it shall be lawful for his Majesty in

Time of  
appealing.

council to alter any usage as to the time of making appeals, and to make any order respecting the time of appealing to his Majesty in council.

Decrees on appeals from courts abroad to be carried into effect as the King in council shall direct.

Saving of powers, &c. of privy council, except as hereby altered.

XXI. AND be it further enacted, that the order or decree of his Majesty in council on any appeal from the order, sentence, or decree of any court of justice in the East Indies, or of any colony, plantation, or other his Majesty's dominions abroad, shall be carried into effect in such manner, and subject to such limitations and conditions, as his Majesty in council shall, on the recommendation of the said judicial committee, direct; and it shall be lawful for his Majesty in council, on such recommendation, by order to direct that such court of justice shall carry the same into effect accordingly, and thereupon such court of justice shall have the same powers of carrying into effect and enforcing such order or decree as are possessed by or are hereby given to his Majesty in council: Provided always, that nothing in this Act contained shall impeach or abridge the powers, jurisdiction, or authority of his Majesty's privy council as heretofore exercised by such council, or in anywise alter the constitution or duties of the said privy council, except so far as the same are expressly altered by this Act, and for the purposes aforesaid.

His Majesty may direct the East India Company to bring on appeals from the Sudder Dewanny Adawlut courts to a hearing, &c.

XXII. AND whereas various appeals to his Majesty in council from the courts of Sudder Dewanny Adawlut at the several presidencies of Calcutta, Madras, and Bombay in the East Indies, have been admitted by the said courts, and the transcripts of the proceedings in appeal have been from time to time transmitted under the seal of the said courts, through the united company of merchants in England trading to the East Indies, to the office of his Majesty's said privy council, but the suitors in the causes so appealed have not taken the necessary measures to bring on the same to a hearing: Be it therefore further enacted by the authority aforesaid, that it shall be lawful for his Majesty in council to give such directions to the said united company and other persons for the purpose of bringing to a hearing before the said committee the several cases appealed or hereafter to be appealed to his Majesty in council from the several courts of Sudder Dewanny Adawlut in the East Indies, and for appointing agents and counsel for the different parties in such appeals, and to make such orders for security and payment of the costs thereof, as his said Majesty in council shall think fit; and thereupon such appeals shall be heard and reported on to his Majesty in council, and shall be by his Majesty in council determined in the same manner, and the judgments, orders, and decrees of his Majesty in council thereon shall be of the same force and effect, as if the same had been brought to a hearing by the direction of the parties appealing in the usual course of proceeding: Provided always, that such last-mentioned powers shall not extend to any appeals from the said courts of Sudder Dewanny Adawlut other than appeals in which no proceedings have been or shall hereafter be taken in England on either side for a period of two years subsequent to the admission of the appeal by such Court of Sudder Dewanny Adawlut. [Rep., Stat. Law Rev. Act, 1861.]

Orders made on such appeals to have effect notwithstanding death of parties, &c.

XXIII. AND be it enacted, that in any case where any order shall have been made on any such appeal as last aforesaid, the same shall have full force and effect notwithstanding the death of any of the parties interested therein; but that in all cases where any such appeal may have been withdrawn or discontinued, or any compromise made in respect of the matter in dispute, before the hearing thereof, then the determination of his Majesty in council in respect of such appeal shall have no effect.

His Majesty may make orders for regulating the mode, &c. of appeals.

XXIV. AND be it further enacted, that it shall be lawful for his Majesty in council from time to time to make any such rules and orders as may be thought fit for the regulating the mode, form, and time of appeal to be made from the decisions of the said courts of Sudder Dewanny Adawlut, or any other courts of judicature in India or elsewhere to the eastward of the Cape of Good Hope (from the decisions of which an appeal lies to his Majesty in

council), and in like manner from time to time to make such other regulations for the preventing delays in the making or hearing such appeals, and as to the expences attending the said appeals, and as to the amount or value of the property in respect of which any such appeal may be made.

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XXVIII. AND be it enacted, that the said judicial committee shall have and enjoy in all respects such and the same power of punishing contempts and of compelling appearances, and that his Majesty in council shall have and enjoy in all respects such and the same powers of enforcing judgments, decrees, and orders, as are now exercised by the High Court of Chancery or the Court of King's Bench (and both in personam and in rem), . . . . .

Power of enforcing decrees.

\* \* \* \* \*

XXX. AND be it enacted, that two members of his Majesty's privy council who shall have held the office of judge in the East Indies or any of his Majesty's dominions beyond the seas, and who, being appointed for that purpose by his Majesty, shall attend the sittings of the judicial committee of the privy council, shall severally be entitled to receive over and above any annuity granted to them in respect of having held such office as aforesaid, the sum of four hundred pounds for every year during which they shall so attend as aforesaid, as an indemnity for the expence which they may thereby incur; and such sum of four hundred pounds shall be chargeable upon and paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland.

Two retired Indian or colonial judges attending the judicial committee shall receive an allowance.

XXXI. PROVIDED always, and be it enacted, that nothing herein contained shall be held to impeach or render void any treaty or engagement already entered into by or on behalf of his Majesty, or be taken to restrain his Majesty from acceding to any treaty, with any foreign prince, potentate, or power, in which treaty it shall be stipulated that any person or persons other than the said judicial committee shall hear and finally adjudicate appeals from his Majesty's courts of admiralty in causes of prize; but that the judgments, decrees, and orders of such other person or persons so appointed by treaty shall be of the same force and effect of which they would respectively have been if this Act had not been passed.

Saving as to treaties with foreign countries appointing certain persons to hear prize appeals.

## CHAPTER XLII.

AN ACT for the further Amendment of the Law, and the better Advancement of Justice. [14th August 1833.]

WHEREAS it would greatly contribute to the diminishing of expence in suits in the superior courts of common law at Westminster if the pleadings therein were in some respects altered, and the questions to be tried by the jury left less at large than they now are according to the course and practice of pleading in several forms of action; but this cannot be conveniently done otherwise than by rules or orders of the judges of the said courts from time to time to be made, and doubts may arise as to the power of the said judges to make such alterations without the authority of Parliament: . . . . .

II. AND whereas there is no remedy provided by law for injuries to the real estate of any person deceased, committed in his lifetime, nor for certain wrongs done by a person deceased in his lifetime to another in respect of his property,

Executors, &c. may bring actions for injuries to the real estate of the deceased ;

and actions may be brought against executors, &c. for an injury to property, real or personal, by their testator.

Limitation of actions of debt for rent and on specialties, &c.

Proviso for actions by infants, femmes covert, &c. ;

and for absence of defendants beyond seas.

real or personal : For remedy thereof be it enacted, that an action of trespass, or trespass on the case, as the case may be, may be maintained by the executors or administrators of any person deceased for any injury to the real estate of such person, committed in his lifetime, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person ; and the damages, when recovered, shall be part of the personal estate of such person ; and further, that an action of trespass, or trespass on the case, as the case may be, may be maintained against the executors or administrators of any person deceased for any wrong committed by him in his lifetime to another in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such executors or administrators shall have taken upon themselves the administration of the estate and effects of such person ; and the damages to be recovered in such action shall be payable in like order of administration as the simple contract debts of such person.

III. AND be it further enacted, that all actions of debt for rent upon an indenture of demise, all actions of covenant or debt upon any bond or other specialty, and all actions of debt or scire facias upon any recognizance, and also all actions of debt upon any award where the submission is not by specialty, or for any fine due in respect of any copyhold estates, or for an escape, or for money levied on any fieri facias, and all actions for penalties, damages, or sums of money given to the party grieved by any statute now or hereafter to be in force, that shall be sued or brought at any time after the end of the present session of Parliament, shall be commenced and sued within the time and limitation herein-after expressed, and not after ; that is to say, the said actions of debt for rent upon an indenture of demise, or covenant or debt upon any bond or other specialty, actions of debt or scire facias upon recognizance, within ten years after the end of this present session, or within twenty years after the cause of such actions or suits, but not after ; the said actions by the party grieved, one year after the end of this present session, or within two years after the cause of such actions or suits, but not after ; and the said other actions within three years after the end of this present session, or within six years after the cause of such actions or suits, but not after ; provided that nothing herein contained shall extend to any action given by any statute where the time for bringing such action is or shall be by any statute specially limited.

IV. AND be it further enacted, that if any person or persons that is or are or shall be entitled to any such action or suit, or to such scire facias, is or are or shall be, at the time of any such cause of action accrued, within the age of twenty-one years, feme covert, non compos mentis, or beyond the seas, then such person or persons shall be at liberty to bring the same actions, so as they commence the same within such times after their coming to or being of full age, discover, of sound memory, or returned from beyond the seas, as other persons having no such impediment should, according to the provisions of this Act, have done ; and that if any person or persons against whom there shall be any such cause of action is or are, or shall be at the time such cause of

action accrued, beyond the seas, then the person or persons entitled to any such cause of action shall be at liberty to bring the same against such person or persons within such times as are before limited after the return of such person or persons from beyond the seas.

V. PROVIDED always, that if any acknowledgment shall have been made, either by writing signed by the party liable by virtue of such indenture, specialty, or recognizance, or his agent, or by part payment or part satisfaction on account of any principal or interest being then due thereon, it shall and may be lawful for the person or persons entitled to such actions to bring his or their action for the money remaining unpaid and so acknowledged to be due within twenty years after such acknowledgment by writing or part payment or part satisfaction as aforesaid, or in case the person or persons entitled to such action shall at the time of such acknowledgment be under such disability as aforesaid, or the party making such acknowledgment be, at the time of making the same, beyond the seas, then within twenty years after such disability shall have ceased as aforesaid, or the party shall have returned from beyond seas, as the case may be; and the plaintiff or plaintiffs in any such action on any indenture, specialty, or recognizance, may, by way of replication, state such acknowledgment, and that such action was brought within the time aforesaid, in answer to a plea of this statute.

Proviso in case of acknowledgment in writing, or by part payment.

VI. AND nevertheless be it enacted, if in any of the said actions judgment be given for the plaintiff, and the same be reversed by error, or a verdict pass for the plaintiff, and upon matter alleged in arrest of judgment the judgment be given against the plaintiff, that he take nothing by his plaint, writ, or bill, or if in any of the said actions the defendant shall be outlawed, and shall after reverse the outlawry, that in all such cases the party plaintiff, his executors or administrators, as the case shall require, may commence a new action or suit from time to time within a year after such judgment reversed, or such judgment given against the plaintiff, or outlawry reversed, and not after.

Limitation of new actions after judgment or outlawry reversed.

VII. AND be it further enacted, that no part of the United Kingdom of Great Britain and Ireland, nor the islands of Man, Guernsey, Jersey, Alderney, and Sark, nor any islands adjacent to any of them, being part of the dominions of his Majesty, shall be deemed to be beyond the seas within the meaning of this Act, or of the Act passed in the twenty-first year of the reign of King James the First, intituled "An Act for limitation of actions, and for avoiding of suits in law."

No part of the United Kingdom, &c. to be deemed beyond the seas under this Act or 21 Ja. 1. c. 16.

VIII. AND be it further enacted, that no plea in abatement for the non-joinder of any person as a co-defendant shall be allowed in any court of common law, unless it shall be stated in such plea that such person is resident within the jurisdiction of the court, and unless the place of residence of such person shall be stated with convenient certainty in an affidavit verifying such plea.

Restriction as to plea in abatement for non-joinder of a co-defendant.

IX. AND be it further enacted, that to any plea in abatement in any court of law of the non-joinder of another person, the plaintiff may reply that such person has been discharged by bankruptcy and certificate, or under an Act for the relief of insolvent debtors.

Reply of plaintiff to plea in abatement of non-joinder.

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Misnomer not to be pleaded in abatement in personal actions, &c.

XI. AND be it further enacted, that no plea in abatement for a misnomer shall be allowed in any personal action; but that in all cases in which a misnomer would but for this Act have been by law pleadable in abatement in such actions, the defendant shall be at liberty to cause the declaration to be amended, at the costs of the plaintiff, by inserting the right name, upon a judge's summons founded on an affidavit of the right name; and in case such summons shall be discharged, the costs of such application shall be paid by the party applying, if the judge shall think fit.

Initials or contractions of christian names may be used in some cases.

XII. AND be it further enacted, that in all actions upon bills of exchange or promissory notes, or other written instruments, any of the parties to which are designated by the initial letter or letters or some contraction of the christian or first name or names, it shall be sufficient in every affidavit to hold to bail, and in the process or declaration, to designate such persons by the same initial letter or letters or contraction of the christian or first name or names, instead of stating the christian or first name or names in full.

Wager of law abolished.

XIII. AND be it further enacted, that no wager of law shall be hereafter allowed.

Action of debt on simple contract shall lie against executors, &c.

XIV. AND be it further enacted, that an action of debt on simple contract shall be maintainable in any court of common law against any executor or administrator.

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Writs of inquiry under 8 & 9 Will. 3. c. 11. shall be executed before the sheriff, unless otherwise ordered.

XVI. AND whereas it would also lessen the expence of trials and prevent delay if such writs of inquiry as herein-after mentioned were executed, and such issues as herein-after mentioned were tried, before the sheriff of the county where the venue is laid: Be it therefore enacted, that all writs issued under and by virtue of the statute passed in the session of Parliament held in the eighth and ninth years of the reign of King William the Third, intituled "An Act for the better preventing frivolous and vexatious suits," shall, unless the court where such action is pending or a judge of one of the said superior courts shall otherwise order, direct the sheriff of the county where the action shall be brought to summon a jury to appear before such sheriff, instead of the justices or justice of assize or nisi prius of that county, to inquire of the truth of the breaches suggested, and assess the damages that the plaintiff shall have sustained thereby, and shall command the said sheriff to make return thereof to the court from whence the same shall issue at a day certain, in term or in vacation, in such writ to be mentioned; and such proceedings shall be had after the return of such writ as are in the said statute in that behalf mentioned, in like manner as if such writ had been executed before a justice of assize or nisi prius.

Courts may direct issues joined in certain actions to be tried before the sheriff, &c.

XVII. AND be it further enacted, that in any action depending in any of the said superior courts for any debt or demand in which the sum sought to be recovered and endorsed on the writ of summons shall not exceed twenty pounds, it shall be lawful for the court in which such suit shall be depending, or any judge of any of the said courts, if such court or judge shall be satisfied that the trial will not involve any difficult question of fact or law, and such court or judge shall think fit so to do, to order and direct that the issue or issues joined shall be tried before the sheriff of the county where the action is brought, or any judge of any court of record for the recovery of debt in such county; and for that purpose a writ shall issue directed to such sheriff, commanding him to try such issue or issues by a jury to be summoned by him, and to return such writ with the finding of the jury thereon endorsed, at a day certain, in term or in vacation, to be named in such writ; and thereupon such sheriff or judge

shall summon a jury, and shall proceed to try such issue or issues. [Rep., 30 & 31 Vict. c. 142. s. 6.]

XVIII. AND be it further enacted, that at the return of any such writ of inquiry, or writ for the trial of such issue or issues as aforesaid, costs shall be taxed, judgment signed, and execution issued forthwith, unless the sheriff or his deputy before whom such writ of inquiry may be executed, or such sheriff, deputy, or judge before whom such trial shall be had, shall certify under his hand upon such writ that judgment ought not to be signed until the defendant shall have had an opportunity to apply to the court for a new inquiry or trial, or a judge of any of the said courts shall think fit to order that judgment or execution shall be stayed till a day to be named in such order; and the verdict of such jury on the trial of such issue or issues shall be as valid and of the like force as a verdict of a jury at nisi prius; and the sheriff or his deputy, or judge, presiding at the trial of such issue or issues, shall have the like powers with respect to amendment on such trial as are herein-after given to judges at nisi prius.

Upon the return of such writs of inquiry, &c. costs shall be taxed and judgment signed, &c.

XIX. PROVIDED also, that all and every the provisions contained in the statute made and passed in the first year of the reign of his present Majesty, intituled "An Act for the more speedy judgment and execution in actions brought in his Majesty's courts of law at Westminster, and in the Court of Common Pleas of the county palatine of Lancaster, and for amending the law as to judgment on a cognovit actionem in cases of bankruptcy," shall, so far as the same are applicable thereto, be extended and applied to judgments and executions upon such writs of inquiry and writs for the trials of issues, in like manner as if the same were expressly re-enacted herein.

The provisions of 1 Will. 4. c. 7. shall extend to judgments on such writs of inquiry, &c.

XX. AND be it further enacted, that from and after the first day of June one thousand eight hundred and thirty-three the sheriff of each county in England and Wales shall severally name a sufficient deputy, who shall be resident or have an office within one mile from the Inner Temple Hall, for the receipt of writs, granting warrants thereon, making returns thereto, and accepting of all rules and orders to be made on or touching the execution of any process or writ to be directed to such sheriff.

Sheriffs shall name deputies to be resident in London, for receipt of writs, &c.

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XXII. AND whereas unnecessary delay and expence is sometimes occasioned by the trial of local actions in the county where the cause of action has arisen: Be it therefore enacted, that in any action depending in any of the said superior courts the venue in which is by law local, the court in which such action shall be depending, or any judge of any of the said courts, may, on the application of either party, order the issue to be tried, or writ of inquiry to be executed, in any other county or place than that in which the venue is laid; and for that purpose any such court or judge may order a suggestion to be entered on the record, that the trial may be more conveniently had, or writ of inquiry executed, in the county or place where the same is ordered to take place.

Courts may direct local actions to be tried in any county.

XXIII. AND whereas great expence is often incurred and delay or failure of justice takes place, at trials by reason of vacancies as to some particular or particulars between the proof and the record, or setting forth on the record or document on which the trial is had of contracts, customs, prescriptions, names, and other matters or circumstances not material to the merits of the case, and

Amendments  
may be made  
at the trial in  
certain cases.

by the mis-statement of which the opposite party cannot have been prejudiced, and the same cannot in any case be amended at the trial, except where the variance is between any matter in writing or in print produced in evidence and the record: And whereas it is expedient to allow such amendments as herein-after mentioned to be made on the trial of the cause: Be it therefore enacted, that it shall be lawful for any court of record, holding plea in civil actions, and any judge sitting at nisi prius, if such court or judge shall see fit so to do, to cause the record, writ, or document on which any trial may be pending before any such court or judge, in any civil action, or in any information in the nature of a quo warranto, or proceedings on a mandamus, when any variance shall appear between the proof and the recital or setting forth on the record, writ, or document on which the trial is proceeding, of any contract, custom, prescription, name, or other matter, in any particular or particulars in the judgment of such court or judge not material to the merits of the case, and by which the opposite party cannot have been prejudiced in the conduct of his action, prosecution, or defence, to be forthwith amended by some officer of the court or otherwise, both in the part of the pleadings where such variance occurs and in every other part of the pleadings which it may become necessary to amend, on such terms as to payment of costs to the other party, or postponing the trial to be had before the same or another jury, or both payment of costs and postponement, as such court or judge shall think reasonable; and in case such variance shall be in some particular or particulars in the judgment of such court or judge not material to the merits of the case, but such as that the opposite party may have been prejudiced thereby in the conduct of his action, prosecution, or defence, then such court or judge shall have power to cause the same to be amended upon payment of costs to the other party, and withdrawing the record or postponing the trial as aforesaid, as such court or judge shall think reasonable; and after any such amendment the trial shall proceed, in case the same shall be proceeded with, in the same manner in all respects, both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had appeared; and in case such trial shall be had at nisi prius or by virtue of such writ as aforesaid, the order for the amendment shall be indorsed on the postea or the writ, as the case may be, and returned together with the record or writ, and thereupon such papers, rolls, and other records of the court from which such record or writ issued, as it may be necessary to amend, shall be amended accordingly; and in case the trial shall be had in any court of record, then the order for amendment shall be entered on the roll or other document upon which the trial shall be had; provided that it shall be lawful for any party who is dissatisfied with the decision of such judge at nisi prius, sheriff, or other officer, respecting his allowance of any such amendment, to apply to the court from which such record or writ issued for a new trial upon that ground, and in case any such court shall think such amendment improper, a new trial shall be granted accordingly, on such terms as the court shall think fit, or the court shall make such other order as to them may seem meet.

Court or judge  
may in lieu of  
amendment  
direct the facts

XXIV. AND be it further enacted, that the said court or judge shall and may, if they or he think fit, in all such cases of variance, instead of causing the record or document to be amended as aforesaid, direct the jury to find the

fact or facts according to the evidence ; and thereupon such finding shall be stated on such record or document, and, notwithstanding the finding on the issue joined, the said court or the court from which the record has issued shall, if they shall think the said variance immaterial to the merits of the case, and the mis-statement such as could not have prejudiced the opposite party in the conduct of the action or defence, give judgment according to the very right and justice of the case.

to be found specially.

XXV. AND be it further enacted, that it shall be lawful for the parties in any action or information, after issue joined, by consent, and by order of any of the judges of the said superior courts, to state the facts of the case, in the form of a special case, for the opinion of the court, and to agree that a judgment shall be entered for the plaintiff or defendant, by confession or of nolle prosequi, immediately after the decision of the case, or otherwise as the court may think fit ; and judgment shall be entered accordingly.

Parties may state a special case without proceeding to trial.

XXVIII. AND be it further enacted, that upon all debts or sums certain, payable at a certain time or otherwise, the jury on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the term of payment ; provided that interest shall be payable in all cases in which it is now payable by law.

Jury may allow interest upon debts, &c.

XXIX. AND be it further enacted, that the jury on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest, over and above the value of the goods at the time of the conversion or seizure, in all actions of trover or trespass de bonis asportatis, and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act.

In-certain actions the jury may give damages in the nature of interest.

XXX. AND be it further enacted, that if any person shall sue out any writ of error upon any judgment whatsoever given in any court in any action personal, and the court of error shall give judgment for the defendant thereon, then interest shall be allowed by the court of error for such time as execution has been delayed by such writ of error, for the delaying thereof.

Interest to be allowed in case of writs of error for the time that execution has been delayed.

XXXI. AND be it further enacted, that in every action brought by any executor or administrator in right of the testator or intestate, such executor or administrator shall, unless the court in which such action is brought or a judge of any of the said superior courts shall otherwise order, be liable to pay costs to the defendant in case of being nonsuited or a verdict passing against the plaintiff, and in all other cases in which he would be liable if such plaintiff were suing in his own right upon a cause of action accruing to himself ; and the defendant shall have judgment for such costs, and they shall be recovered in like manner.

Executors, &c. suing in right of their testator shall be liable to pay costs.

XXXII. AND be it further enacted, that where several persons shall be made defendants in any personal action, and any one or more of them shall have a nolle prosequi entered as to him or them, or upon the trial of such

Costs of one or more of several defendants having a nolle prosequi or a

verdict entered  
for him or  
them.

action shall have a verdict pass for him or them, every such person shall have judgment for and recover his reasonable costs, unless, in the case of a trial, the judge before whom such cause shall be tried shall certify upon the record, under his hand, that there was a reasonable cause for making such person a defendant in such action.

Costs of defend-  
ant where a  
nolle prosequi  
is entered upon  
any count, &c.

XXXIII. AND be it further enacted, that where any nolle prosequi shall have been entered upon any count, or as to part of any declaration, the defendant shall be entitled to, and have judgment for, and recover his reasonable costs in that behalf.

Costs of plain-  
tiff in scire  
facias, and  
plaintiff or  
defendant on  
demurrer.

XXXIV. AND be it further enacted, that in all writs of scire facias the plaintiff obtaining judgment on an award of execution shall recover his costs of suit upon a judgment by default as well as upon a judgment after plea pleaded or demurrer joined; and that where judgment shall be given either for or against a plaintiff or demandant, or for or against a defendant or tenant, upon any demurrer joined in any action whatever, the party in whose favour such judgment shall be given shall also have judgment to recover his costs in that behalf.

6 Geo. 4. c. 10.  
s. 34.

XXXV. AND whereas it is provided in and by a statute passed in the sixth year of the reign of his late Majesty, intituled "An Act for consolidating and amending the law relative to jurors and juries," that the person or party who shall apply for a special jury shall pay the fees for striking such jury, and all the expences occasioned by the trial of the cause by the same, and shall not have any further or other allowance for the same upon taxation of costs, than such person or party would be entitled unto in case the cause had been tried by a common jury, unless the judge before whom the cause is tried shall, immediately after the verdict, certify under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury: And whereas the said provision does not apply to cases in which the plaintiff has been nonsuited, and it is expedient that the judge should have such power of certifying as well when a plaintiff is nonsuited as when he has a verdict against him: Be it therefore enacted, that the said provision of the said last-mentioned Act of Parliament, and every thing therein contained, shall apply to cases in which the plaintiff shall be nonsuited as well as to cases in which a verdict shall pass against him.

Costs of special  
jury in case of  
a nonsuit.

\* \* \* \* \*

Executors, &c.  
of lessor may  
distrain for  
arrears of rent  
due in his life-  
time.

XXXVII. AND be it further enacted, that it shall be lawful for the executors or administrators of any lessor or landlord to distrain upon the lands demised for any term, or at will, for the arrearages of rent due to such lessor or landlord in his lifetime, in like manner as such lessor or landlord might have done in his lifetime.

Such arrears  
may be dis-  
trained for  
within six  
months after  
determination  
of term.

XXXVIII. AND be it further enacted, that such arrearages may be distrained for after the end or determination of such term or lease at will, in the same manner as if such term or lease had not been ended or determined; provided that such distress be made within the space of six calendar months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears became due; provided also, that all and every the powers and provisions in the several statutes made relating to distresses for rent shall be applicable to the distresses so made as aforesaid.

XXXIX. AND whereas it is expedient to render references to arbitration more effectual: Be it further enacted, that the power and authority of any arbitrator or umpire appointed by or in pursuance of any rule of court, or judge's order, or order of nisi prius, in any action now brought or which shall be hereafter brought, or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of any of his Majesty's courts of record, shall not be revocable by any party to such reference without the leave of the court by which such rule or order shall be made, or which shall be mentioned in such submission, or by leave of a judge; and the arbitrator or umpire shall and may and is hereby required to proceed with the reference notwithstanding any such revocation, and to make such award, although the person making such revocation shall not afterwards attend the reference; and that the court or any judge thereof may from time to time enlarge the term for any such arbitrator making his award.

Submission to arbitration by rule of court, &c. not to be revocable without leave of the court.

XL. AND be it further enacted, that when any reference shall have been made by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the court by which such rule or order shall be made, or which shall be mentioned in such agreement, or for any judge, by rule or order to be made for that purpose, to command the attendance and examination of any person to be named or the production of any documents to be mentioned in such rule or order; and the disobedience to any such rule or order shall be deemed a contempt of court, if, in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the arbitrators, or by the umpire, before whom the attendance is required, shall also be served either together with or after the service of such rule or order: Provided always, that every person whose attendance shall be so required shall be entitled to the like conduct money, and payment of expences and for loss of time, as for and upon attendance at any trial: Provided also, that the application made to such court or judge for such rule or order shall set forth the county where such witness is residing at the time, or satisfy such court or judge that such person cannot be found: Provided also, that no person shall be compelled to produce, under any such rule or order, any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days, to be named in such order.

Attendance of witnesses and production of documents on such arbitrations.

XLI. AND be it further enacted, that when in any rule or order of reference, or in any submission to arbitration containing an agreement that the submission shall be made a rule of court, it shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath, it shall be lawful for the arbitrator or umpire, or any one arbitrator, and he or they are hereby authorized and required, to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of oath; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

Arbitrators to administer oaths, &c. to witnesses.

XLII. AND whereas it would be convenient if the power of the superior courts of common law and equity at Westminster to grant commissions for taking affidavits to be used in the said courts respectively should be extended:

Power of  
courts of com-  
mon law and  
equity to grant  
commissions  
for taking affi-  
davits shall  
extend to Scot-  
land and Ire-  
land.

Be it further enacted by the authority aforesaid, that the lord high chancellor, lord keeper or lords commissioners of the great seal, the said courts of law, and the several judges of the same, shall have such and the same powers for granting commissions for taking and receiving affidavits in Scotland and Ireland, to be used and read in the said courts respectively, as they now have in all and every the shires and counties within the kingdom of England, and dominion of Wales, and town of Berwick-upon-Tweed, and in the Isle of Man, by virtue of the statutes now in force; and that all and every person and persons wilfully swearing or affirming falsely in any affidavit to be made before any person or persons who shall be so empowered to take affidavits under the authority aforesaid shall be deemed guilty of perjury, and shall incur and be liable to the same pains and penalties as if such person had wilfully sworn or affirmed falsely in the open court in which such affidavit shall be entitled, and be liable to be prosecuted for such perjury in any court of competent jurisdiction in that part of the United Kingdom in which such offence shall have been committed, or in that part of the United Kingdom in which such person shall be apprehended on such a charge.

Abolition of  
certain holi-  
days.

5 & 6 Edw. 6.  
c. 3.

XLIII. AND whereas the observance of holidays in the said courts of common law during term time, and in the offices belonging to the same, on the several days on which holidays are now kept, is very inconvenient, and tends to delay in the administration of justice: Be it therefore enacted by the authority aforesaid, that none of the several days mentioned in the statute passed in the sessions of Parliament holden in the fifth and sixth years of the reign of King Edward the Sixth, intituled "An Act for keeping holidays, and fasting days," shall be observed or kept in the said courts, or in the several offices belonging thereto, except Sundays, the day of the Nativity of our Lord and the three following days, and Monday and Tuesday in Easter week.

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Extent of Act.

XLV. AND be it further enacted, that nothing in this Act shall extend to that part of the United Kingdom called Ireland, or that part of the United Kingdom called Scotland, except in the cases herein-before specially mentioned.

## CHAPTER XLVI.

AN ACT to enable Burghs in Scotland to establish a general System of Police. [¶][14th August 1833.]

**W**HEREAS it is expedient that provision should be made to enable the royal burghs, and burghs of regality and of barony, in Scotland, to establish such a system of police, and to adopt such powers of paving, lighting, cleansing, watching, supplying with water, and improving such burghs respectively, as may be necessary and expedient, and consistent with the powers, authorities, provisions, and regulations granted and prescribed by this Act: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this

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[¶ This Act is rep., 10 & 11 Vict. c. 39. s. 8, in so far as the same or any part hereof is inconsistent with the provisions of that Act; and is rep., 13 & 14 Vict. c. 33. s. 1, except only as regards such burghs as had already adopted, in whole or in part, the powers and provisions hereof.]

present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for any seven or more householders in any of the said burghs whose population shall not exceed three thousand inhabitants, and for twenty-one or more householders in any of the said burghs whose population shall exceed three thousand inhabitants, each such householder occupying in such burgh respectively a dwelling house or other premises of the yearly value of ten pounds or upwards, to apply in writing to the chief magistrate of such burgh, requiring him to convene a meeting of householders qualified as aforesaid in such burgh, for the purpose of considering whether the provisions of this Act, or any part of the same, shall be adopted and carried into execution within such burgh.

Requisitions for meetings, to determine whether the provisions of this Act shall be adopted in burghs.

II. AND be it enacted, that for the purposes of this Act the boundaries of such of the said burghs as send or contribute to send members to Parliament shall be the same as the boundaries which are fixed by an Act passed in the second and third year of the reign of his present Majesty King William the Fourth, intituled "An Act to amend the representation of the people in Scotland"; and the boundaries of all other royal burghs, burghs of regality and of barony, shall be such as are established by charter, grant, prescription, Act of Parliament, or otherwise, and within a distance not exceeding one thousand yards from the bounds of such last-mentioned burghs; and such last-mentioned burghs, and limits hereby thereto attached, shall be deemed and taken to be burghs within the intent and meaning of this Act.

The boundaries of Parliamentary burghs shall be those fixed by 2 & 3 Will. 4. c. 65;

in other burghs the established limits, and a space not exceeding 1,000 yards therefrom.

III. AND be it enacted, that in the absence of the chief magistrate of any burgh directed or required to act in the execution of any of the powers or provisions of this Act, the next senior magistrate of such burgh, who shall be present, shall officiate in the place and stead of such absent chief magistrate; and that where a royal burgh and a burgh of regality or barony shall be united within the same bounds of police, the chief magistrate or other magistrate so directed to preside in such meetings shall be held to mean a magistrate of such royal burgh.

In absence of chief magistrate, the next in seniority may act, &c.

IV. AND be it enacted, that such acting chief magistrate shall upon receiving such application, accompanied, if he shall so require, with a satisfactory undertaking to pay the expences after mentioned, appoint and direct a proper person to make out and furnish, within fourteen days thereafter, lists showing, to the best of his knowledge and belief, the amount of population residing within such burgh, and shall also direct the assessors of the house tax to furnish him, within the like period, with a list of the names of all occupiers of premises of the value aforesaid situated within such burgh; which list of the occupiers of premises as aforesaid, distinguishing the amount of rental at which each person is assessed, the said assessors are hereby required to make and certify on payment of a fee of not more than one shilling for each one hundred names, and which list shall be sufficient proof of the qualification of parties; and in case it shall be expedient to obtain such list otherwise than from the assessor's book, it shall be competent for such chief magistrate to cause accurate lists to be made up and taken by persons to be appointed for that purpose.

Lists of the population, &c. to be made out.

V. AND be it enacted, that in case of any dispute arising touching the correctness of such population return, or of any list of occupiers of houses or premises to be made and furnished under the provisions of this Act, or the

In case of disputes touching returns, &c.



value of the same, or the boundary of any burgh not being a burgh sending or contributing to send a member or members to Parliament, the same shall, for the purposes of this Act, on the application of either party, after six days notice given to the other party, be settled by the sheriff of the county, whose determination therein shall be final.

Expences attending the calling first meetings, &c. how to be borne.

VI. AND be it enacted, that if the provisions of this Act shall be adopted in whole or in part, all the expences incurred in relation to the calling the first meetings, making out the population returns of occupiers of houses, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the money assessed and levied under the authority thereof; but in case the provisions of this Act shall not be adopted by any such meeting as aforesaid, in whole or in part, then the whole expences incurred in relation to the calling and holding such meeting, making out lists, taking polls, and all other expences whatsoever thereto relating, shall be paid and borne by the persons signing the requisition for holding such meeting; and the chief magistrate to whom such requisition is addressed is hereby authorized to pursue for and recover the same, with expences of process.

Mode of calling such meetings, &c.

VII. AND be it enacted, that on receipt of such application the acting chief magistrate of such burgh shall convene the occupiers of premises of the yearly value aforesaid in the town hall or other convenient place within such burgh; and the said acting chief magistrate shall lay this Act before such meeting, together with such certificate, requisition, and lists aforesaid, and shall attend and shall preside at such meeting and at each subsequent meeting authorized by this Act, and shall appoint a clerk to act thereat, who shall make regular minutes of the proceedings thereof; and such magistrate shall in case of equality of votes, besides his deliberative vote, have a casting or decisive vote.

Meetings to be intimated, &c.

VIII. AND be it enacted, that such meeting shall be held on a day not less than twenty-one days or more than thirty days after such magistrate shall have received such requisition as aforesaid; and intimation thereof shall be made by affixing such notice upon the doors of the town house and of the several parish churches within such burgh, fourteen days preceding the day of the meeting, in the form of the schedule marked (A.) hereunto annexed, and by tuck of drum or other mode of intimation usually adopted in such burgh two days in each week for two weeks before such meeting, or by open proclamation at the market cross of such burgh, and also by an advertisement in any newspaper published in such burgh, and if no newspaper be published therein, then in a newspaper circulating in such burgh, at least three clear days before the day appointed for such meeting.

Qualification of voters.

IX. AND be it enacted, that at all meetings and elections under this Act all persons occupying premises in any such burgh of the value of not less than ten pounds shall be entitled to vote; and companies or copartnerships occupying premises of the value aforesaid, or of greater value, so as to afford more than one qualification of ten pounds, shall be entitled to grant authority in writing to any one or more of the partners of such company or copartnership to vote, and which partner or partners shall have vote accordingly: Provided always, that such company or copartnerships shall not so authorize or have right to vote by more than one partner in respect of each qualification of ten pounds afforded by such premises.

X. AND be it enacted, that such meeting shall proceed to consider and determine whether the provisions of this Act, or any of them, shall be adopted and carried into execution within such burgh, or shall appoint a committee of their own number, not exceeding nine, to inquire and report to some future meeting to be held on such day as shall be appointed; and such future meeting shall, upon the report of such committee, proceed in all respects in the manner herein directed for such meeting.

Power of meeting to adopt this Act, &c.

XI. AND be it enacted, that the preses of all meetings shall ascertain the determination thereof by a show of hands, or in such other manner as shall appear to him expedient, and shall declare the same; which declaration shall be final and conclusive, unless the same shall not be unanimous, and a poll shall be demanded in writing, within twenty-four hours thereafter, by any five persons present, and qualified to vote at such meeting.

Preses to declare the determination of the meeting

XII. AND be it enacted, that when such poll shall be demanded as aforesaid, such magistrate shall direct the same to be proceeded in within such period as he shall determine, not exceeding two clear days from the day of the date of such demand in writing, exclusive of Saturdays and Sundays; and the polling shall commence at the places intimated at nine of the clock of the forenoon of the day that shall be named.

Preses to direct a poll when demanded.

XIII. AND be it enacted, that no poll by this Act authorized to be taken shall be directed to begin on a Saturday, or shall be kept open for more than two consecutive days, and that only between the hours of nine in the morning and four in the afternoon for the first day, and between the hours of eight in the morning and four in the afternoon for the second day.

Poll not to begin on a Saturday, or be open more than two days, &c.

XIV. AND be it enacted, that the chief magistrate of such burgh shall direct the necessary number of clerks to be appointed, and of poll books to be prepared in the form of schedule (B.) hereunto annexed, in which the names of every person qualified and requiring to vote, together with his designation and the manner in which he shall vote, shall be entered.

Clerks to be appointed and poll books provided.

XV. AND be it enacted, that the poll shall sooner close, provided all persons duly qualified and desirous to vote shall have voted, or at any time after the lapse of an hour without any qualified person offering to vote.

Poll may close earlier in certain cases.

XVI. AND be it enacted, that as soon after the close of the poll as may be, the poll clerks shall transmit to such magistrate the state of the respective polls, who shall sum up the same, and openly declare the result of the total poll at an adjourned meeting to be held on the next lawful day.

State of poll to be ascertained and declared.

XVII. AND be it enacted, that no resolution to adopt the provisions of this Act, in whole or in part, shall be effectual, unless it shall be carried by at least three fourths of the number of persons voting and qualified as aforesaid.

Majority necessary to adopt this Act.

XVIII. AND be it enacted, that if such resolution shall be to adopt the Act only in part, the clauses so adopted shall be set forth and declared in the minutes of such meeting.

If part is adopted, it shall be set forth in the minutes.

XIX. AND be it enacted, that where such burgh shall have resolved not to adopt the provisions of this Act, or shall have adopted them only in part, the inhabitants thereof, qualified as aforesaid, may, after the expiration of two years from the date of any preceding meeting, but not sooner, by such and the like proceedings, again take this Act into consideration, and adopt the same in whole or in part, or such part thereof as may not have been formerly adopted, or determine not to adopt the same.

If Act is not adopted, &c., adoption may be reconsidered after two years.

Further proceedings after adoption of Act.

XX. AND be it enacted, that where by such proceedings this Act shall be so adopted in such burgh, in whole or in part, such resolution so to adopt shall not be subject to any further question; and the inhabitants thereof, qualified as aforesaid, present at the meeting adopting the same unanimously or at some adjourned meeting as aforesaid, shall then and there proceed to determine by a majority of votes, and shall set forth in their minutes, the limits beyond the boundary of such burghs not included in the said recited Act to which the provisions of this Act shall extend, and not exceeding the distance of one thousand yards as aforesaid, and also shall determine whether such burgh shall be divided into wards, and in that case shall set forth and describe the bounds and limits of such wards, and shall specify the number of commissioners to be elected by the inhabitants to carry this Act into operation, and shall also fix the maximum rate of assessment (which shall in no case exceed one shilling and sixpence in the pound of the rent of premises, to be assessed in manner after mentioned,) to be levied for the purposes of this Act for the three succeeding years, and shall set forth and specify the proportion of such assessment which shall be made applicable to each of the several purposes of this Act.

Number of commissioners.

XXI. AND be it enacted, that the commissioners to be elected as hereinafter provided shall not be, in any case, fewer than five or more than twenty-one, including the chief magistrate of the burgh, who shall be commissioner ex officio, and shall, when present, preside at all meetings of the commissioners; and the said commissioners, together with a further number of commissioners chosen by the magistrates and town council of such burgh from among themselves, amounting as near as may be to one fifth part of such elected commissioners, shall be the commissioners for carrying this Act into operation.

Proviso where burgh is divided into wards.

XXII. PROVIDED always, that where such burgh shall be divided into wards, the number thereof, and the number of commissioners to be elected in manner herein-after provided, shall be so settled and adjusted that there shall be one such commissioner for each such ward.

Regulations as to alteration of wards.

XXIII. AND be it enacted, that it shall be lawful and competent for the inhabitants of the said burgh, qualified as aforesaid, at a meeting or adjourned meeting called as aforesaid, to alter, vary, add to, or diminish such wards or any of them, in such manner as the state of the population thereof or other circumstances shall to them appear from time to time to require; and in the event of any addition being made to the number of wards by the subdivision thereof or otherwise, commissioners shall be chosen for such additional wards in manner and for the purposes herein mentioned, but so as that the number of wards shall in no case exceed twenty.

Contiguous burghs may unite, and adopt the Act as one burgh.

XXIV. AND be it enacted, that where, by reason of contiguity of any two or more burghs, it shall be desirable and expedient for such contiguous burghs jointly to adopt the provisions of this Act, it shall and may be lawful for such burghs intending so to unite, as if such burghs were one burgh, and to follow forth such and the like measures and forms in all respects in which the same can be observed, for adopting the provisions of this Act, as are directed and prescribed for one burgh intending to adopt the same; and such united burghs shall, in respect of division into wards, election of commissioners, assessments for the expence of carrying this Act into execution, and every other power, particular, matter, or thing granted, provided, or prescribed in relation to

single burghs adopting this Act, be and be taken to be as one burgh; and the chief magistrate of each such burgh shall, ex officio, be a commissioner for such district of burghs under this Act; and the magistrates and council of each such burgh shall, in addition to the chief magistrate hereby appointed an ex officio commissioner, elect one or more members from among their own body to be commissioners, so as that the number so elected shall, with such chief magistrate, make as nearly as may be one fifth of the elected commissioners of such united burghs; and if the number of commissioners to be elected by the magistrates and council does not admit of each burgh electing one commissioner, or of each burgh electing an equal number, such burghs, where all cannot elect, shall elect successively and according to a rotation to be established by such burghs; and in like manner where each burgh cannot elect an equal number, the right of electing the greater number shall be enjoyed in succession, according to such rotation; and the chief magistrate of each such united burghs shall respectively and successively, annually, be the preses of the commissioners of such united burghs, according to such rotation, and the preses of all public meetings to be held thereafter; and in case of any difference as to such rotation, election, or right of election, it shall be competent to either party to apply to the sheriff of the county in which such burghs are situated to determine the same, six days previous notice being given to the other party of such application; and the determination of the sheriff thereon shall be final and conclusive: Provided always, that nothing herein contained shall affect or be construed to affect the rights, powers, privileges, or jurisdictions of any magistrates and council within their own burghs.

XXV. AND be it enacted, that the resolutions and whole proceedings of such meetings shall be reported to the sheriff of the county within which such burgh shall be situated by the transmission to him of the minutes of such meetings and all documents laid before the same, which transmission the acting chief magistrate as aforesaid is hereby required to make within forty-eight hours after the close of the proceedings aforesaid; and the said sheriff shall, within forty-eight hours after the receipt thereof, affix a deliverance thereon, finding and declaring, as the case may be, either that this Act has not been adopted, or that the powers and provisions thereof (in so far as such minutes shall show this to have been the case) have been adopted, and that this Act shall apply to such burgh in manner therein set forth, and shall forthwith cause such minutes to be recorded in the sheriff court books of the county, and in the books of the burgh to which they specially apply, and in the books of the commissioners of police herein-after appointed to be kept, where such shall be the case.

Proceedings to  
be reported to  
the sheriff.

XXVI. AND be it enacted, that on receipt of such deliverance such magistrate aforesaid shall convene a meeting of occupiers of houses and premises of such burgh qualified as aforesaid, and if the burghs shall be divided into wards, at some convenient place in their respective wards, to be specified in the notice to be given of such meeting, for the election of commissioners for the purpose of executing this Act; all which meetings shall be summoned in the same way and manner and at the same distance of time as is provided for the first meeting to be held in virtue of this Act; and in all such burghs as shall be divided into wards in manner herein provided, the ward meetings

Meeting for  
election of  
commissioners  
to be convened.

shall elect their own preses; and the commissioners (except the chief magistrate of the burgh, and the commissioners to be elected by the magistrates and town council of such burghs,) shall be elected by such meeting or by such wards.

Mode of election of commissioners.

XXVII. AND be it enacted, that such elections shall be proceeded with in manner following; (that is to say,) each candidate who shall be qualified to vote as aforesaid, and residing within such burgh, shall be eligible to be elected a commissioner for the purposes of this Act, and shall be proposed at the said meeting by some person duly qualified to vote thereat, and shall be seconded by some other person in like manner qualified; and the preses of the meeting shall ascertain and declare the resolution thereof in manner aforesaid; and if such election shall not be unanimous, and if a poll shall be demanded in writing in the manner and within the time before provided, at such or any other meeting for the purposes of election under this Act, such chief magistrate or such preses of such meeting shall open and proceed with such poll in the manner herein provided; and the said chief magistrate or preses of wards respectively shall for that purpose appoint a clerk, and shall provide a book in the form of schedule (C.) hereto annexed, in which the votes shall be entered, and shall declare the result of such poll; and the said chief magistrate or preses shall be reimbursed all such reasonable charges or expences as may be incurred in providing clerks and books, and otherwise in the performance of the duties hereby required of them, out of the rates and duties to be collected in virtue of this Act.

Magistrates and council to appoint the commissioners to be elected by them.

XXVIII. AND be it enacted, that the magistrates and council of such burgh shall, on or before the day fixed for such election, nominate and appoint the commissioner or commissioners, as the case may be, who is or are to be elected by them under the provisions of this Act; and the acting chief magistrate shall report such nomination and appointment to the first meeting of commissioners, to be held in manner herein-after provided.

First meeting of commissioners.

XXIX. AND be it enacted, that the whole commissioners shall, at twelve of the clock noon on the first Monday after such election, hold their first general meeting in the town hall or other convenient place within such burgh, with power to adjourn to such other place as they may think fit.

One third of elected commissioners to go out of office annually, &c.

XXX. AND be it enacted, that one third, or as nearly as may be one third, of such elected commissioners of each such burgh as aforesaid, who shall be the highest on the list of such commissioners, to be arranged alphabetically according to their surnames, and the one of the commissioners elected by such magistrate as aforesaid who shall be the highest of such last-mentioned commissioners on the list, to be also arranged alphabetically, shall go annually out of office, videlicet, on the same day at the expiration of a year on which they were elected into office, or on the next lawful day thereafter; and on the same or the next lawful day, annually, the places of such commissioners going out of office shall be supplied by an equal number of new commissioners to be chosen, videlicet, the third part of such elected commissioners, or as nearly as may be the third part, from among the candidates qualified as aforesaid, by the electors of the burgh, or by the several wards where such burgh shall be divided into wards, and the commissioners to be elected from among the magistrates and town council of such burghs, by the magistrates and town council of the burghs as aforesaid, under all the rules, regulations, and pro-

visions applicable to such first meeting and election ; and the like notice of such annual meeting shall be given as is herein-before directed to be given of such first meeting for electing commissioners ; and the persons so elected shall be placed at the foot of the list of commissioners.

XXXI. AND be it enacted, that there shall be held in each such burgh adopting the provisions of this Act, at the expiration of the third year after the first meeting held to determine the maximum assessment, and at the expiration of every third year thereafter, a meeting of the inhabitants thereof, qualified as aforesaid, in order to determine the amount of the maximum assessment for the three years next succeeding ; and the clerks to the said commissioners shall give notice thereof in the same manner as by this Act the chief magistrate is required to give notice with respect to the first meeting to be held under this Act, that a meeting will be holden on such day for fixing the maximum amount of the assessment for the three years next succeeding ; and previous to such meeting the said commissioners shall furnish to the acting chief magistrate of the burgh a list of the names of the occupiers of premises, qualified as aforesaid, which list shall be sufficient evidence and proof of the qualifications of the parties to vote at such meeting : Provided always, that in default of giving due notice of such meeting in manner above provided, the clerk to the said commissioners shall forfeit and pay to the said commissioners a penalty of one hundred pounds.

Notice of and proceedings at triennial meetings for fixing maximum assessment.

XXXII. AND be it enacted, that the person presiding shall at such triennial meetings proceed in the same manner as at the first meeting to be held under this Act in regard to the ascertainment of the sum agreed to be assessed : Provided always, that the rate of assessment shall not be diminished so long as any money borrowed on the security of such assessment shall remain unpaid ; and that the rate of assessment for any three succeeding years shall not be less than two thirds of the rate agreed to at the last preceding triennial meeting held under the provisions of this Act ; and that if a larger sum shall not be agreed to, the commissioners shall have power to levy such two thirds of the original assessment, without any farther authority.

Procedure and regulations as to ascertaining assessment.

XXXIII. AND be it enacted, that any of such outgoing commissioners may be re-elected : Provided always, that no person shall be eligible as a commissioner, or entitled to vote at such election, who shall have been relieved from the assessment made on him for the purposes of this Act for the year immediately preceding on the ground of inability to pay the said assessment, or by whom any arrear of any assessment due under this Act shall at the time of the election have been owing for the space of a month, and shall, since it became due, have been demanded, whether such arrear shall be due by himself or by any company or copartnership by which he is authorized to vote ; and a certificate under the hand of the collector shall be deemed and taken to be a sufficient evidence of such arrears or relief.

Outgoing commissioners may be re-elected.

Disqualification by relief from or non-payment of assessment.

XXXIV. AND be it enacted, that in case the place of any of the commissioners elected as aforesaid shall become vacant by death, refusal to act, disqualification, or resignation, then and in such cases it shall be lawful for the remaining commissioners to nominate persons duly qualified to supply such vacancies ; and the person so nominated shall have and enjoy the same powers and privileges as the person in whose stead he is nominated, and shall remain in office until the period at which the person in whose stead

Vacancies how to be supplied.

Supply of deficiency in case of electors refusing or neglecting to elect.

he is nominated would have gone out by rotation ; and if the electors shall refuse or neglect to meet, or if at such meeting the electors shall refuse or neglect to elect the whole or any part of the number of commissioners originally fixed and agreed to, it shall be lawful for the commissioners who held office immediately before the time specified for such election to supply the deficiency.

Magistrates and town council may be appointed to execute this Act.

XXXV. AND be it enacted, that instead of electing commissioners it shall be competent and lawful to the inhabitants duly qualified as aforesaid to determine by a majority of three fourths of the votes of the persons assembled as aforesaid at any meeting called for such purpose, that the magistrates and town council of such burgh for the time being shall carry this Act, or such part thereof as shall have been adopted, into execution ; and such magistrates and town council then shall have the same rights, powers, and authorities, and be subject to the like rules, liabilities, and regulations, as are hereby conferred or imposed upon the commissioners herein-before authorized and directed to be elected, as far as the same are applicable and capable of taking effect, according to the true intent and meaning of this Act.

Commissioners not to derive profit or hold places of profit under the Act, &c.

XXXVI. AND be it enacted, that none of the commissioners for the purposes of this Act shall, directly or indirectly, derive any emolument or profit for any business or work of any description performed or to be performed by him under this Act ; nor shall any commissioner be capable of acting as such during the time he shall enjoy any office of profit to be created or established by virtue of this Act, or while he has any share or interest in any contract relating to the execution thereof ; nor shall any such commissioner be capable of standing as a candidate for any such office, or be a competitor for any such contract, save and except contracts entered into with any chartered or joint stock company of which such commissioner may be a partner.

Commissioners to be summoned to attend meetings, &c.

XXXVII. AND be it enacted, that the whole commissioners shall be cited to attend all meetings, both special and statutory, (save only the first meetings under this Act,) such citation being given personally, or at their dwelling houses or shops, by written or printed summonses issued by their clerk, at least twenty-four hours before the time of meeting ; and in the absence of the said acting chief magistrate such one of the said commissioners as shall be chosen by the meeting shall preside in all meetings of the said commissioners ; and the preses of all meetings of the commissioners shall have both a deliberative and in case of equality a casting vote in all matters which shall come before them : Provided always, that one third of the said commissioners must be present at all meetings to constitute a quorum.

Quorum.

Quarterly meetings of commissioners.

XXXVIII. AND be it enacted, that meetings of the said commissioners shall be held, in such places as they shall appoint within such burgh, upon the second Monday of the months of May, August, November, and February in each year, at twelve of the clock noon.

Special meetings may be called on requisition.

XXXIX. AND be it enacted, that the clerk to the said commissioners, on requisition being made, stating the object of the intended meeting in writing, and signed by two of the said commissioners, shall cause special meetings to be called within forty-eight hours, and to be held within four days after such requisition, and shall cause the whole commissioners to be summoned to attend such meetings by printed or written summonses containing a copy of such requisition.

**XL. AND** be it enacted, that no rules or regulations shall be adopted or carried into execution by any special meeting which shall tend to alter or annul any rules or regulations which may have been made and framed at any of the four meetings hereby appointed to be held annually.

Special meetings not to annul rules made at quarterly meetings.

**XLI. AND** be it enacted, that the said commissioners may adjourn to any other day, hour, and place within the bounds before described.

Meetings may be adjourned.

**XLII. AND** be it enacted, that at all and each of the meetings to be held in virtue of this Act the commissioners present shall defray their own expences.

Commissioners to defray their own expences at meetings.

**XLIII. AND** be it enacted, that the said commissioners shall have power to form committees of their number, either with directions to report to the commissioners, or for carrying the various purposes of this Act into execution, and to delegate to such committees the powers competent to the said commissioners under this Act, in whole or in part, with regard to the subject which may be remitted, to name the convener, and to fix the numbers of such committees who shall form a quorum; and the convener, who shall preside at such committee, shall be entitled to a casting vote in case of equality, and to convene the members by notices in the way he shall think most convenient.

Power to appoint committees.

**XLIV. AND** be it enacted, that the said commissioners shall, in such manner as to them shall seem best for the purposes of this Act, estimate, assess, levy, and apply the sums of money hereby authorized to be raised for the purposes of this Act, and shall have power at such times as they shall appoint, and from time to time, to order and direct lists to be taken of the inhabitants of such burgh, and of the value of premises situate therein, and shall for such purposes appoint, at such salaries as they shall judge meet, collectors, clerks, surveyors, officers of police, watchmen, and all other persons to be employed in the execution of this Act, and to remove them at pleasure, and to fix the number and description of officers to be employed, and the wages to be paid to them respectively, and to increase or diminish their numbers from time to time, as they shall see cause, and to make orders and regulations for their government; and the said commissioners shall have power also, with the consent of the proprietors, to purchase such lands and premises as shall be required for the purposes of this Act, and shall also have full power and authority to make all necessary rules, orders, and regulations relative to the watching, lighting with gas or otherwise, paving and cleansing the streets, roads, lanes, passages, or public ways or places within any such burgh, or to the supply and distribution of water and gas to the same, in so far as the powers of this Act may apply to these objects in any burgh, and generally for the due and effectual enforcement thereof, for the prevention of infectious diseases, and putting down and removing such nuisances as may affect the health of the inhabitants, and for carrying fully into effect all the objects and purposes and provisions of this Act, and shall enact penalties for enforcing the same, not exceeding in any case the sum of twenty shillings sterling, and execute the whole other matters specified in this Act and committed to their charge: Provided always, that the rules and regulations so to be made shall not be contrary to the law of Scotland, or to any thing in this Act contained.

Powers and duties of commissioners.

**XLV. AND** be it enacted, that the said commissioners, or any committee of their body thereunto especially empowered, are hereby authorized to contract with any person for carrying into execution any of the operations herein

Commissioners may contract for execution of works.



authorized; and such contract shall be signed by the preses and clerk in name of the meeting at which the said agreement or contract shall be made.

Property  
vested in com-  
missioners.

XLVI. AND be it enacted, that the monies arising from the assessment hereby authorized to be levied, and all other property acquired by the said commissioners in pursuance of the powers hereby granted, shall be and the same are hereby vested in the said commissioners and their successors, for the uses and purposes mentioned in this Act, and to no other purpose whatever.

Appointment  
and duties of  
clerk.

XLVII. AND be it enacted, that the commissioners shall at their first meeting appoint a clerk for keeping the books and records of the commissioners and their committees; which book or records, being signed by the preses of each respective meeting, or any copy or extract therefrom authenticated by the signature of the clerk, shall be received as evidence, in all courts whatsoever, in any case or matter concerning this Act, and shall be open to the inspection of any person interested therein, without payment of any fee or reward; and the clerk shall, when required, give certified copies or extracts therefrom to all persons requiring the same, upon payment of such reasonable sum as shall be fixed by the said commissioners, not exceeding one shilling for every three hundred words.

Clerk, &c. not  
to act as agent,  
&c. in trial of  
offences within  
the burgh.

XLVIII. AND be it enacted, that no person who may be appointed the clerk in the execution of this Act, or the partner of any such clerk, or any person in the employ of such clerk or of his partner, shall act as agent or solicitor in the trial of any offence committed within the limits foreshaid; and in the event of a contravention of such provision, such clerk shall be thenceforth disqualified from holding any office whatever under this Act, and from acting as a commissioner under this Act.

Clerk and  
treasurer not  
to be the same  
person, or be  
in partnership,  
&c.

XLIX. AND be it further enacted, that it shall not be lawful for the said commissioners to appoint any person who may be appointed their clerk in the execution of this Act, or the partner of such clerk, or the clerk or other person in the service or employ of such clerk or of his partner, to be the treasurer for the purposes of this Act, or to appoint any person who may be appointed treasurer, or the partner of such treasurer, or the clerk or other person in the service or employ of such treasurer or of his partner, to be the clerk to the said commissioners for the purposes of this Act; and if any person shall accept both the offices of clerk and treasurer for the purposes of this Act, or if any person being the partner of such clerk, or the clerk or other person in the service or employ of such clerk or of his partner, shall accept the office of treasurer, or shall act as deputy of the treasurer, or in any manner officiate for the treasurer, or being the treasurer or the partner of such treasurer or the clerk or other person in the service or employ of such treasurer or of his partner, shall accept the office of clerk in the execution of this Act, or shall act as deputy of such clerk, or in any manner officiate for such clerk, or if any treasurer shall hold any place of profit or trust under the said commissioners other than that of treasurer, every person so offending shall for every such offence forfeit and pay the sum of one hundred pounds to any person who shall sue for the same, to be recovered, with full expences, in the same manner as any of the penalties by this Act imposed may be sued for and recovered.

Penalty, 100l.

Corporations  
and incapacitated  
persons

L. AND be it enacted, that it shall and may be lawful for all corporations, trustees, heirs of entail, tutors or curators for infants, minors, furious or

fatuous persons, and married women, and to and for every other person or persons whomsoever, though under any legal disability or incapacity of any kind whatever, who are or shall be seised or possessed of or interested in any lands or other heritages, whether held in fee simple or under entail, which may be necessary for the purposes of this Act, to contract and agree for, sell, and convey to the said commissioners all or any of such lands or other heritages, or any part thereof, for the purposes of this Act; and all such contracts, agreements, sales, and conveyances shall be valid and effectual in law to all intents and purposes, any law, statute, usage, or any matter or thing to the contrary notwithstanding; and all and every such corporation, trustee, heir of entail, tutor or curator, married woman, and other person is, are, and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

may sell lands to commissioners.

LL. AND be it enacted, that if any monies shall be agreed to be paid for any lands or heritages purchased, taken, or used for the purposes of this Act, which shall belong to any corporation, married woman, infant, lunatic, or person or persons under any disability or incapacity, or as a recompence for damages caused thereby, such money shall, in case the same shall amount to or exceed the sum of two hundred pounds, with all convenient speed be paid into the Bank of Scotland, or Royal Bank of Scotland, or bank of the British Linen Company, or Commercial Bank of Scotland, or National Bank of Scotland, and without fee or reward; to the intent that such money shall be applied, under the direction and with the approbation of the Court of Session, to be signified by an order made upon a petition to be preferred in a summary way by the person or persons who would have been entitled to the rents and profits of the said lands or heritages, in the purchase of the land tax, or towards the discharge of any debt or debts or such other incumbrance or part thereof, as the said court shall authorize to be paid, affecting the same lands or heritages, or affecting other lands or heritages standing settled therewith to the same or the like uses, intents, or purposes; or where such money shall not be so applied, then the same shall be laid out and invested, under the like direction and approbation of the said court, in the purchase of other lands or heritages, which shall be conveyed and settled to, for, and upon such and the like uses, trusts, intents, and purposes, and in the same manner, as the lands or heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such purchases shall be made, the interest or annual produce of such money shall from time to time be paid, by order of the said court, to the person or persons who would for the time being have been entitled to the rents and profits of the lands and heritages so hereby directed to be purchased, in case such purchase or settlement were made.

Application of purchase money for lands of corporations, &c. amounting to 200*l*.

LII. AND be it enacted, that if any money so agreed to be paid for any lands or heritages purchased, taken, or used for the purposes aforesaid, and belonging to any corporation, or to any person or persons under disability or incapacity as aforesaid, shall be less than the sum of two hundred pounds, and shall amount to or exceed the sum of twenty pounds, then and in all such cases the same shall (at the option of the person or persons for the time

Application thereof when less than 200*l*. and not less than 20*l*.

being entitled to the rents and profits of the lands or heritages so purchased, taken, or used, or of his, her, or their guardian or guardians in case of infancy or lunacy, to be signified in writing under their respective hands,) be paid into one of the said banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like option, to two trustees, to be nominated by the person or persons making such option, and approved of by the said commissioners, (such nomination and approbation to be signified in writing under the hands of the nominating and approving parties,) in order that such principal money and the interest arising thereon may be applied in any manner herein-before directed, so far as the case be applicable, without obtaining or being required to obtain the direction or approbation of the said court.

Application thereof where less than 20l.

LIII. AND be it enacted, that where such money so agreed or awarded to be paid as last before mentioned shall be less than twenty pounds, then and in all such cases the same shall be applied to the use of the person who would for the time being have been entitled to the rents and profits of the lands or heritages so purchased, taken, or used for the purposes of this Act, in such manner as the said commissioners shall think fit, or in case of infancy or lunacy, then to his, her, or their guardian or guardians, to and for the use and benefit of such person or persons so entitled respectively.

Proceedings in case of refusal to accept purchase money or failure to make out title, &c.

LIV. AND be it enacted, that in case the person or persons to whom any sum or sums of money shall be payable as aforesaid shall refuse to accept the same, or shall not be able to make good a title to the premises, to the satisfaction of the said commissioners, or in case the person or persons to whom any such sum or sums of money shall be so payable as aforesaid cannot be found, or if the person or persons entitled to such lands or heritages be not known or discovered, then and in every such case it shall and may be lawful to and for the said commissioners, or any two or more of them, to pay the sum and sums of money so payable as aforesaid into the Bank of Scotland, or Royal Bank of Scotland, or bank of the British Linen Company, or Commercial Bank of Scotland, or National Bank of Scotland respectively, as the case may be, to the credit of the parties interested in the said lands or heritages, describing them if they are known, and, if they are not known, then generally to the credit of the parties interested in the said lands or heritages, without any description of them, subject to the order, control, and disposition of the said Court of Session; which said court, or either of the divisions thereof, on the application of any person or persons making claim to such sum or sums of money, or any part thereof, by petition, shall be and are hereby empowered, in a summary way of proceeding, or otherwise, as to the said court shall seem meet, to make such other order in the premises as to the said court shall seem just and reasonable; and the cashier or cashiers of the Bank of Scotland, or Royal Bank of Scotland, or bank of the British Linen Company, or Commercial Bank of Scotland, or National Bank of Scotland respectively, who shall receive such sum or sums of money, is and are hereby required to give a receipt or receipts for the same, mentioning and specifying for what and for whose use the same is or are received, to such person or persons as shall pay any such sum or sums of money into such bank or banks as aforesaid.

Where a question arises touching the

LV. AND be it enacted, that where any question shall arise touching the title of any person to any money to be paid into any such bank as aforesaid,

in pursuance of this Act, for the purchase of any lands or heritages, or of any estate, right, or interest in any lands or heritages, to be purchased in pursuance thereof, or to any interest of such money, the person or persons who shall have been in possession of the lands or heritages at the time of such purchase, and all persons claiming under such person or persons, or under the possession of such person or persons, shall be deemed and taken to have been lawfully entitled to such lands or heritages according to such possession, until the contrary shall be shown to the satisfaction of the said Court of Session; and the interest of such money, and also the principal sums, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said court that such possession was a wrongful one, and that some other person or persons was or were lawfully entitled to such lands or heritages, or to some estate or interest therein.

title to the money, the person in possession of the lands shall prima facie be deemed entitled.

LVI. AND be it enacted, that where, by reason of any disability or incapacity of the person or persons or corporation entitled to any lands or heritages to be purchased under the authority of this Act, the purchase money of the same shall be required to be paid into any of the said banks, and to be applied in the purchase of other lands or heritages to be settled to the like uses in pursuance of this Act, it shall be lawful for the said Court of Session to order the expences of all purchases from time to time to be made in pursuance of this Act, or so much of such expences as the said court shall deem reasonable, together with the necessary costs and charges of obtaining such order, to be paid by the said commissioners, who shall from time to time pay such sum or sums of money for such purposes as the said court shall direct.

Court may order payment of expences by commissioners in certain cases.

LVII. AND be it enacted, that the rights of all heritable property to be acquired in the execution of this Act shall be taken in favour of the clerk of the commissioners for the time, and his successors in office; and such rights shall be sufficient for vesting the subjects in the commissioners and their successors in office; and all contracts, agreements, sales, and conveyances, or other deeds or writings, constituting such right, may be made according to the following form:

Rights of heritable property how to be taken, &c.

' I A. B. in consideration of to me paid [or in consideration of the annual rent of to me to be hereafter paid by yearly or half-yearly payments, as may be agreed on,] by the commissioners of police for the burgh of do hereby grant, dispone, and convey to as clerk to and for behoof of the said commissioners, and his successors in office, all [describing the premises to be conveyed], and all my right, title, and interest to the same, to be holden by the said commissioners and their successors for ever, by virtue of an Act of Parliament made in the third and fourth year of the reign of his Majesty King William the Fourth, intituled "An Act [here insert the title of this Act]." In witness whereof I have subscribed these presents, written by this day of in the year of our Lord before these witnesses [here insert witnesses names and designations].'

Form of conveyance.

Which said conveyance, being registered in the register of sasines of the burgh or of the county respectively in which the premises conveyed shall be situated, and which the respective keepers of the registers are hereby authorized and required to register, shall receive the same effect and be as valid and effectual to all intents and purposes as if a formal disposition had been executed, and

followed by sasine recorded according to the form of the law of Scotland, any law, statute, or practice to the contrary notwithstanding.

How the commissioners may sue and be sued.

LVIII. AND be it enacted, that the said commissioners shall and may sue and be sued in the name of any one of the said commissioners or of their clerk ; and no action or suit which may be so brought, commenced, or prosecuted by or against the said commissioners or any of them, by virtue or on account of this Act, shall abate or be discontinued by the death, suspension, or removal of such commissioner or clerk : Provided always, that every commissioner or clerk in whose name any action or suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be reimbursed, out of the money to be raised by virtue of this Act, all such damages, charges, and expences as such party shall be put to or become chargeable with by reason of his being so made pursuer or defender therein.

Treasurer and collector to be appointed.

LIX. AND be it enacted, that the commissioners shall in like manner at their first meeting elect and appoint a treasurer and collector to act during their pleasure ; and such collector and treasurer before they shall be permitted to take upon them the execution of their office shall respectively grant bond, with sufficient sureties, to the said commissioners, for their intromissions, and for the just and faithful execution of their office, to such an amount as the said commissioners shall think reasonable ; and any collector and treasurer who may be convicted of wilfully secreting or not accounting to the said commissioners for any sum of money received by him as collector or treasurer foresaid shall forfeit triple the amount thereof to the said commissioners.

Allowance to collectors.

LX. AND be it enacted, that such collector shall be allowed for his trouble in collecting such rates and assessments a sum not exceeding the rate of five pounds per centum upon all such sums of money as he shall collect and receive.

Collector to lodge all monies received by him in bank.

LXI. AND be it enacted, that such collector shall be obliged to lodge all money received by him in one or other of the Bank of Scotland, Royal Bank of Scotland, or bank of the British Linen Company of Scotland, or Commercial Bank of Scotland, or National Bank of Scotland, or in one of the branches thereof, and if there are no branches of any of such banks in such town, then in some other bank to be fixed by the said commissioners, upon an account to be opened in the name of the commissioners, and to be operated upon by the treasurer for the time ; and such treasurer shall make no drafts on the said account for any private purpose on any pretence whatever, nor for any other purpose than the payments which shall from time to time be authorized by the said commissioners or their committees for the purposes of this Act, as the same shall be certified to the said treasurer by the clerk to the said commissioners, who shall countersign all such drafts.

On insolvency of treasurer or collector, deficiency may be assessed upon the burgh.

LXII. AND be it enacted, that in case any such treasurer or collector shall become insolvent, and the sums chargeable against him shall not have been paid by his sureties, then and in every such case the sum deficient shall be assessed upon the burgh at the next annual assessment in the manner herein prescribed with regard to annual assessments, and shall be payable at such time as the said commissioners shall appoint ; and in case of failure in payment, the same proceedings shall be competent as are hereby directed in case of failure in payment of the annual assessment.

LXIII. AND be it enacted, that the assessors of the house tax, or other assessors as aforesaid, shall furnish the said commissioners, as often as they shall require the same, with a list of the names of all occupiers of premises as aforesaid, certified as aforesaid, and on payment of a fee in manner before provided; and the clerks of such burghs as are included in the said recited Act shall, upon requisition, furnish such commissioners with a copy of the list of the persons qualified to vote in such burgh for members of Parliament.

Names of occupiers to be furnished by house tax assessors.

LXIV. AND be it enacted, that on or before the second Monday of November in each year the said commissioners (being summoned in manner hereinbefore directed by written or printed summonses, which shall state that the meeting is for the purpose of laying on an assessment,) shall assess all tenants, occupiers, and possessors of premises valued at two pounds or upwards of yearly rent within such burghs as shall adopt the provisions of this Act, in the sums necessary to be levied for the purposes of this Act; which assessment shall be calculated from Whitsunday to Whitsunday, and shall be payable in the months of October and November annually; the first year's assessment being for one whole year from the Whitsunday preceding to the Whitsunday next ensuing: Provided always, that the said assessment shall not in any year exceed the maximum rate of assessment that shall be fixed for such year above provided.

Commissioners to make assessment.

LXV. AND be it enacted, that the said commissioners shall not assess any premises which shall be unoccupied or unfurnished from one term of Whitsunday to another term of Whitsunday, nor the town house of the burgh, nor any place used solely for public worship, nor any buildings which are solely occupied for the purposes of religion, or of public charity, or of science or education; and no person occupying premises within the aforesaid distance of one thousand yards beyond the boundary of any burgh not comprehended within the said recited Act shall be assessed under or by virtue of this Act, unless he shall receive benefit under the provisions thereof; and if assessed, he shall only be assessed in respect of the house or other premises which he may occupy, and not in respect of any land held by him for agricultural purposes or as nursery or garden ground, nor shall he be assessed in respect of such house or premises excepting for and on account of such or such one of the purposes of this Act as shall be extended and be beneficial to such house or premises; and in case of any dispute in relation to such assessment, or the benefit derived by the person so assessed or sought to be assessed under the provisions of this Act, the same shall, on the application of the party complaining, after six days notice to the other party, be heard and determined by the sheriff of the bounds, whose determination shall be final.

Exceptions from assessment.

LXVI. AND be it enacted, that when the provisions of this Act shall have been adopted in any burghs possessed of any free income arising from the common good of such burgh, after deduction of the interest of any debt which such burgh may owe, and also the necessary annual outgoings of such burgh, there shall be annually contributed therefrom such a reasonable proportion towards the purposes of this Act as the town council and the said commissioners shall concert and adjust: Provided always, that if these parties shall not agree thereupon, either of them may require, by notice in writing, that the amount of such contribution shall be submitted to the decision of the sheriff of the county wherein such burgh shall be situated, and such sheriff is

Common good to contribute.

hereby required thereupon to repair to such burgh, and to inquire into all facts and circumstances which he may deem material, and to take in writing the statements of parties, and such evidence as he shall think necessary, and such sheriff shall decide as to the amount of such contribution to be paid from the common good of such burgh, and such decision shall be recorded in the books of the burgh, and also in the books of the said commissioners: Provided nevertheless, that if either party shall be dissatisfied with such decision, such party may, within four weeks, but not thereafter, require that such statements and evidence, together with the deliverance, shall be transmitted to the Court of Exchequer, which court shall thereupon proceed in the matter in such way as may seem best to the said court; and the decision of the said court shall be final: Provided always, that in the event of any change of circumstances operating either towards the increase or diminution of the free income of such burgh, it shall be competent either to the magistrates and town council, or to the said commissioners, after the expiration of three years after the date of any such decision, or three years after the date of any after decision, to propose an amendment or rectification of the existing contribution; and in case of disagreement between the magistrates and commissioners, the amount shall again be submitted to the decision of the sheriff, and in case of dissatisfaction, to the determination of the Court of Exchequer, as is herein provided in relation to the first contribution.

Contribution  
how to be  
recovered.

LXVII. AND be it enacted, that the sum which such burgh shall thus agree to, or shall be directed to contribute annually as aforesaid, shall be recoverable by such and the like process as debts due from the common good of royal burghs in Scotland may now by law be recovered.

Possessors and  
tenants to pay  
assessments.

LXVIII. AND be it enacted, that the said assessment shall be levied from the actual possessors of all premises (whether proprietors or tenants); but in the cases of premises let for a less period than a whole year, the person by whom the assessment shall be paid shall be entitled to deduct the same from the rent payable to the person by whom the said premises shall be so let, who shall be liable for such assessment, and from whom the same may be levied in case of the removal or default of the actual possessor of any such premises; and deduction shall be allowed by the commissioners of the assessment for each entire period of six months from Whitsunday to Martinmas, or from Martinmas to Whitsunday, during which any such premises shall be unoccupied or not furnished.

Lists of occu-  
piers to be de-  
livered to the  
collector, &c.

LXIX. AND be it enacted, that the lists of occupiers made up by order of the commissioners, or furnished by the assessors for the house tax as aforesaid, or a copy thereof, docketed and signed by the preses of any meeting of the said commissioners, shall forthwith be delivered over to the collector of the said assessment as his rule for allocating the same, who shall forthwith make out a roll or book of assessment: Provided always, that the said commissioners shall have power to rectify or alter any such valuation of premises against which an appeal may be taken by the person liable to be assessed therefor by letter to the clerk, lodged with him on or before the first lawful day in June in each year.

Recovery of  
assessments.

LXX. AND be it enacted, that the said collector shall present the said list or book of assessment to any one of the magistrates of such burgh, who is hereby authorized and required to grant such summary decreets and warrants

as may be necessary for levying the same; and where any person so rated and assessed as aforesaid shall refuse or neglect to pay the rate or assessment charged upon him for the space of ten days next after the same shall be due and demanded by the collector, it shall be lawful for the said collector to apply to such magistrate for a warrant to any of the officers of the said burgh to enter the premises rented or possessed, and to seize and take possession of the goods and effects of the person assessed and refusing and neglecting as aforesaid; and which warrant the said magistrate is hereby authorized and required to grant, upon a certificate, signed by the collector or person who made the demand, of such demand having been made, and of such person being in arrear to the amount to be stated in the certificate; and if such rate or assessment shall not be paid within three days after such seizure is made, together with charges and expences thereby incurred, then the said collector is hereby authorized to sell by public roup, either on the premises where the said goods were seized, or any other place, such part of the said goods or effects as shall be sufficient to pay the said rate, with the expences attending such seizure and sale, returning the surplus, if any be, to the owner; and failing the recovery of all or any part of the rate or assessment in arrear in manner before described, the said collector shall be and he is hereby authorized and empowered to prosecute for and otherwise recover the same according to law; and the collector shall be bound to preserve the warrants of such seizures or sales, and enter in a book to be kept for that purpose the names of the parties proceeded against, the assessment due, the expence of the proceedings, and the true proceeds of each sale, which book shall be open to the inspection (without any fee) of all parties interested for three months after the date of each sale respectively; and at any time within that period it shall be competent to any party considering himself aggrieved to complain to the said magistrate of any thing done unjustly or oppressively in regard to such seizure or sale, such complaints being made in the form of petitions subscribed by the complainer; and the decision of the magistrate shall be final, and not subject to review in any court by any form whatever.

LXXI. AND be it enacted, that the said commissioners may, upon the petition of any occupier of any premises subject to the payment of the said rates or assessments, on the ground of poverty or inability to pay the same, to remit, in whole or in part, payment of the said rate or assessment by such occupier or owner respectively, in such manner as the said commissioners shall in their discretion think just and reasonable, but upon no other account whatsoever.

Relief in case of poverty.

LXXII. AND be it enacted, that accounts of all property, heriotable and moveable, vested in the said commissioners, showing the nature of such property, and of all money received and disbursed, and all orders and proceedings of the commissioners, shall be kept in books by their clerks; and all books of such accounts and proceedings whatsoever may at all seasonable times be inspected and perused, without fee or reward, by any person rated, and also by persons who shall be entitled to any money due and owing on the credit of such rates; and such persons may take copies of or extracts from any of the said books, accounts, and proceedings, and of the said respective rates, without fee or reward; and any person in whose custody or power any such books, accounts, and proceedings are, who shall refuse inspection thereof, or to

Books to be kept.



permit copies or extracts to be taken as aforesaid, shall be liable in a penalty not exceeding ten pounds; and in case any person who shall be rated shall be dissatisfied with any accounts which shall have been made up as aforesaid, or with any of the items or articles contained in any such account, such person may appeal against the same by petition to the magistrates of the burgh, in which shall be specified the grounds of objection to such accounts, items, or articles; and the said magistrates shall proceed to hear and determine the matter of such appeal, and the decision shall be final and not subject to review.

Account of application of monies to be made out, &c.

LXXXIII. AND be it enacted, that the said commissioners shall yearly, between the last Monday in January and the second Monday in February, cause to be made out a just and accurate account of all the monies received and expended in the execution of this Act, showing from what sources such monies have been received, and to what purposes the same have been laid out and applied; and which account, signed by the preses of the meeting and clerk, shall be deposited with the clerk, who shall cause to be printed, and inserted in one or more of the newspapers published or circulated in such burgh, authenticated abstracts of such yearly accounts, and shall permit any person assessed under this Act to inspect and examine such accounts at all seasonable times, without payment of any fee or reward for such inspection.

Watchmen, &c. to become constables.

LXXXIV. AND be it enacted, that the watchmen and other officers of police appointed under the authority of this Act shall, in virtue of their appointment, and so long as they hold the same, and no longer, be subject to all the regulations, and possess and exercise all the powers applicable and belonging to the office of constable by the law of Scotland, and shall, before acting, be respectively sworn in as constables by the chief magistrate of the burgh or sheriff of the county.

Penalty for enticing watchmen off their duty, &c.

LXXXV. AND be it enacted, that every person who shall lodge, harbour, or entertain, or entice from their duty, any such watchman or other police officer during their hours of duty, shall, on conviction, forfeit and pay a sum not exceeding one pound for every such offence.

Penalty for assaulting or obstructing officers.

LXXXVI. AND be it enacted, that every person who shall assault, strike, obstruct, hinder, or molest any officer or other person employed under this Act, in the execution of his duty, shall for every such offence forfeit and pay a sum not exceeding five pounds sterling, without prejudice to the officer or other person to sue for and recover a recompence, damages, or expences for the injury which he may sustain, and to have the same awarded in the due course of law.

Penalty on officers taking any other emolument than their salary.

LXXXVII. AND be it enacted, that if any such officer shall demand any emolument whatsoever (other than such salary or allowance as shall be appointed and allowed by the said commissioners) for or on account of any thing whatsoever relative to his employment or duty, or shall be concerned or interested in any bargain or contract made by the said commissioners for the purposes of this Act, every such person so offending shall be incapable of afterwards serving or being employed under the said commissioners, and shall forfeit and pay a sum not exceeding twenty pounds for every such offence, together with full expences.

Magistrates may suspend watchmen.

LXXXVIII. AND be it enacted, that it shall be in the power of any magistrate within any such burgh, on complaint made to him, to suspend any of

the said watchmen for neglect of duty, declaring that any such suspension shall be intimated to the next meeting of the commissioners, who shall have power to do in the matter as to them shall appear proper.

LXXIX. AND be it enacted, that all persons taken into custody within any such burgh as shall have adopted the provisions of this Act or any part thereof, by the officers of police, shall be taken before one of the said magistrates of such burgh as soon as may be, and in no case later than in the course of the first lawful day after they shall be so taken into custody, to be proceeded with as the said magistrate shall direct.

Persons taken into custody shall be taken before a magistrate.

LXXX. AND be it enacted, that the officers aforesaid may apprehend and bring before any such magistrate all vagrants and common beggars found within any such burgh, for examination, who shall be sent to any parish in whole or in part within the jurisdiction of the court in which they shall have acquired a legal residence, or otherwise shall be ordered to leave the territory of the jurisdiction in which they shall have been apprehended; and if after the expiration of forty-eight hours they shall be again found idle or begging within such burgh, they may be apprehended and carried before the magistrate, who may commit them, as disorderly persons, to prison or bridewell for any space not exceeding thirty days.

Vagrants, &c. to be apprehended.

LXXXI. AND be it enacted, that on a complaint by the procurator fiscal, any such magistrate may and is hereby authorized and empowered to appoint all persons convicted of keeping houses resorted to by riotous or disorderly people, or who shall supply spirituous liquors to any person under the age of fourteen years, within any such burgh, to find security, of not less than ten pounds and not exceeding fifty pounds, for their good behaviour for any period not exceeding twelve months, and, on failure to do so, to deprive them of their certificates for selling ale or spirituous liquors; and such forfeiture shall forthwith be reported to the collector of excise within the district.

Keepers of tipping houses to find security.

LXXXII. AND be it enacted, that all brokers and dealers in second-hand goods, other than licensed pawnbrokers, resident within any such burgh, shall be bound, under a penalty for failure of twenty shillings, to register their names and place of residence at the office of the clerk of court, where they shall obtain a certificate under the hands of the said clerk of such registration, on payment of a fee of one shilling; and all such dealers in second-hand articles, as well as all pawnbrokers, shall at all reasonable times produce, on demand, to the fiscal of court, or the officers acting under his orders, all articles of whatsoever description in their possession which they may have purchased or received in pawn, and shall also keep books, in which the description of all such articles shall be entered, and shall produce such books when required; and such persons are hereby required, on being informed that such articles in their possession were stolen or fraudulently obtained, to deposit the same with the procurator fiscal of the court, who shall be bound to grant a certificate of such deposition, and to enter the same in a book in manner after directed, in order that they may be produced in such manner as may be necessary for the ends of public justice, or restored by order of a magistrate; and all persons so dealing in second-hand articles without being first duly licensed as aforesaid, or who shall be found guilty of offending against the said provisions and enactments, shall for every such offence forfeit a sum not exceeding five pounds sterling, without prejudice to such persons being also

Brokers and other dealers in second-hand goods to register their names, &c.

proceeded against as receivers or resettlers of stolen goods, according to law ; and in case of refusal to produce such articles in their possession, or to deliver up any such articles alleged to be stolen, any magistrate of such burgh may grant a warrant to search for and produce to the procurator fiscal such articles : Provided always, that a book shall be kept, by or under the directions of the said procurator fiscal, in which entries shall be made of all property seized or detained by any of the officers of court, or lodged with them for purposes of evidence or otherwise, as well as of the time and manner in which such goods shall have been afterwards disposed of.

No cattle to be driven on Sunday for slaughter.

LXXXIII. AND be it enacted, that no person shall drive cattle or bestial of any description on Sunday through any part of any such burgh for the purpose of being slaughtered within the same, under a penalty not exceeding one pound sterling for each offence.

Officers may liberate upon bail.

LXXXIV. AND be it enacted, that upon the apprehension of any person by the officers of police within any such burgh, under circumstances entitling him by law to be liberated upon bail, it shall be lawful to such officer as the said commissioners shall appoint for that purpose, and he is hereby empowered, to accept of such bail or of consignation, and to liberate the person upon bail being so found to an extent not exceeding ten pounds, or of consignation to an extent not exceeding ten pounds, it being expressly declared that the refusal to accept of bail or consignation, and in consequence detaining the prisoner until recourse can be had to a magistrate in the usual form, shall not subject the said officer to any claim of damages whatever.

Rules and regulations to be painted on boards and hung up.

LXXXV. AND be it enacted, that all the rules, orders, regulations, or bye laws to be made in virtue of this Act shall be legibly painted upon boards, and hung up in such conspicuous places as the commissioners may appoint, and shall, when defaced or obliterated, be repainted and renewed.

Penalty on persons defacing boards.

LXXXVI. AND be it enacted, that if any person shall wilfully or maliciously pull down, deface, or destroy any such board, he shall, upon conviction, for each offence forfeit and pay to the said commissioners a sum not exceeding five pounds.

Regulations as to gunpowder.

LXXXVII. AND be it enacted, that no gunpowder shall be sold within the bounds of any such burgh as shall have adopted the provisions of this Act or any part thereof by candle or other artificial light, under a penalty not exceeding one pound sterling, to be paid for each offence by the person so selling the same ; and no person shall keep at any time in any place more than ten pounds weight of gunpowder, under a penalty for the first offence of any sum not exceeding one pound sterling, for the second offence not exceeding three pounds sterling, and for the third and any subsequent offence not exceeding five pounds sterling, besides forfeiture of all the gunpowder which shall be found in such place exceeding the aforesaid weight ; and the aforesaid quantity of ten pounds weight of gunpowder allowed to be kept as aforesaid shall be deposited in a place by itself, separate from all other goods and commodities, and shall be secured by lock and key, under a penalty not exceeding one pound sterling, to be paid for each offence by the occupier of the premises in which such quantity of gunpowder not so kept and secured as aforesaid shall be found : Provided always, that the commanding officer of any of his Majesty's military or naval forces, or of any volunteer or yeomanry corps,

may keep such a quantity of gunpowder as he may think necessary for military purposes.

LXXXVIII. AND be it enacted, that the commissioners aforesaid may order and direct the houses, buildings, shops, cellars, or warehouses within any such burgh to be numbered with figures, to be placed or painted on the doors or on such other conspicuous part thereof as they shall think proper; and may likewise order to be painted or otherwise inscribed on a conspicuous place at or near the corner of each street, square, lane, passage, or place the name thereof; and any person who shall wilfully or maliciously injure or deface any such number, figure, name, or description, shall for every such offence forfeit and pay a sum not exceeding one pound.

Houses and streets to be numbered and named.

LXXXIX. AND be it enacted, that if within any such burgh any person or persons shall carry, push, roll, drive, draw, or cause to be carried, pushed, rolled, driven, or drawn, on any of the foot pavements within the bounds thereof, any bier, sledge, cask, or wheelbarrow, wheel or wheels, or any coach, waggon, cart, or carriage whatsoever (except directly across the same on necessary occasions); or shall wilfully ride, lead, or drive any horse, ass, mule, or cattle (except when going directly across the foot pavements to or from stables or cowhouses) upon any part of the said foot pavements; or shall, in any of the streets, squares, lanes, or passages, drive any carriage or carriages for the purpose of breaking, exercising, or trying horses, or shall ride any horse for the purpose of exercising, airing, trying, showing, or exposing such horse for sale (otherwise than by passing through such street or other public places); or shall throw or cast any dirt, dung, ashes, or rubbish into or upon the same; or shall roll any cask, empty or full, along the foot pavements, for any distance whatever (except across them directly to or from a cellar, shop, or warehouse), or shall roll any such cask (except from a shop, cellar, warehouse, or other place directly to such cart or carriage as it is to be loaded upon, or from such cart or carriage as it has been loaded upon directly to the shop, cellar, warehouse, or other place in which it is to be deposited, not exceeding thirty yards in any case); or shall drive any cart or other carriage on the streets of any such burgh, or any of the roads or passages within the limits thereof, furiously or improperly; or shall drive any four-wheeled cart, commonly called a wood yanker, without a person in charge of each pair of wheels; or shall leave any cart or carriage standing on the streets, roads, or passages thereof, yoked or unyoked, either during the day or night; or shall ride any horse furiously or improperly, or drive any horse or cattle or carriage of any kind in an improper manner upon any of the said streets, roads, or passages; or shall load or drive any plank or piece of timber exceeding the length of twenty feet upon or by the means of any machine or carriage having less than four wheels, or suffer the same if upon such machine or carriage, or not being of the length of twenty feet if upon a common cart or other carriage, to project beyond the outer part thereof, or occupy more of the street or road in breadth than is occupied by such machine, cart, or other carriage itself, or to touch or drag upon any part of such street or road; then it shall and may be lawful for any person who shall see such offence committed to seize such offenders, and by authority of this Act, without any other warrant, to convey them to the custody of any officer of police or other peace officer, in order to be secured or conveyed before any magistrate of such burgh, or the sheriff of the county

Regulations as to foot pavements and streets.

within which such burgh is situated ; and such magistrate or sheriff shall, upon the complaint of the person seizing such offender, or of the officer of police or other peace officer into whose custody he shall have been given, proceed to examine upon oath any witness or witnesses who shall appear or be produced to give information touching such offence ; and if the party or parties accused shall be convicted of riding, or breaking, exercising, or trying, or driving any horse or cattle, cart or carriage, furiously or improperly, he, she, or they shall forfeit and pay any sum not exceeding five pounds sterling ; and any person convicted of any other of the above offences shall forfeit and pay any sum not exceeding twenty shillings sterling : Provided always, that nothing herein contained shall prevent the holding of any legal and accustomed fair or fairs within any such burgh.

Stairs and other encroachments in the streets, &c. to be removed.

XC. AND be it enacted, that it shall be lawful to the said magistrates of any such burgh, or the dean of guild, and to the sheriff of the county in which such burgh is situate, in their respective burgh, guild, and sheriff courts, and within their respective jurisdictions, on an application by the said commissioners, or the person to whom they may give power to act for them in such matters, in the forms usual in such courts, against the proprietor or proprietors of any buildings fronting any of the streets, squares, lanes, roads, or passages within such burgh, having stairs built upon the streets or foot pavements, or projecting or encroaching to any extent upon the streets or foot pavements, or having any other buildings or things projecting therefrom or connected therewith, which obstruct the free passage, or occasion inconvenience or hazard to passengers on the streets or foot pavement, to order such stairs, projections, encroachments, or other things to be removed by the proprietor thereof, at the sight of the person pursuing, or any other person who may be named by such magistrate, dean of guild, or sheriff, within such reasonable time and in such manner as to such magistrate, dean of guild, or sheriff may appear suitable ; and if the same be not removed within the time fixed, the proprietor or other person through whose default the decree or order of court has not been duly implemented, shall forfeit and pay any sum not exceeding twenty shillings for each month after the expiration of the time allowed for removing during which the obstructions remain ; and in case such obstructions shall not be removed within six months after the time allowed for removing the same has expired, then such magistrate, dean of guild, or sheriff may and is hereby required to issue his warrant for removing the same *brevi manu*.

If convenient access to buildings cannot be obtained except by such stairs, &c. then the same may be altered or partially removed.

XCI. AND be it enacted, that in all cases of buildings already erected on the sides of the foot pavements of any of the streets, squares, lanes, roads, or passages of any such burgh, which cannot have convenient access made to them by any other means than the stairs or projections or encroachments already made, such magistrate, dean of guild, or sheriff shall not have power to order such stairs or projections to be altogether removed, unless with the consent of the proprietor thereof ; but it shall be lawful to such magistrate, dean of guild, or sheriff, and he is hereby authorized and empowered, to order such stairs, projections, or encroachments to be removed or altered by the proprietor thereof, at the sight of such person as may be named by the magistrate, dean of guild, or sheriff, and that to such extent and in such way as to him may appear proper, so as without depriving such buildings of a suitable access, to abate the danger or inconvenience arising from such stairs or projections ; and

in case of failure to execute the operations ordained by such magistrate, dean of guild, or sheriff, within the time allowed, the penalties before specified for a failure to implement the orders of such magistrate, dean of guild; or sheriff in the case of a total removal, shall in this case also be incurred, and be recoverable in manner aforesaid; and in case the order shall not be implemented within six months after the time allowed for removing the same has expired, then such magistrate, dean of guild, or sheriff may and is hereby required to issue his warrant for removing the same *brevi manu*.

XCII. AND be it enacted, that in all such cases of the removal in whole or in part (or the alteration) of such stairs, projections, encroachments, or other buildings or things, in case the proprietor of the house or other building to which the same belongs shall be thereby injured, he or they shall be entitled to a compensation from the said commissioners for such injury, according as the amount thereof shall be agreed upon between him and them, or shall be ascertained by such magistrate, dean of guild, or sheriff, by means of a remit to persons of skill, and a report on oath by them, or otherwise as such magistrate, dean of guild, or sheriff shall direct, in case the parties shall consent to the amount being so ascertained, or by a jury, to be summoned in the same manner as juries in Scotland are summoned.

Compensation  
for injury by  
removal of  
stairs, &c.

XCIII. AND be it enacted, that the proprietor, life renter, or any other person entitled to the rents of any premises which shall be insecure, ruinous, or otherwise dangerous to passengers, shall be obliged and he is hereby required forthwith, on the requisition of such magistrate, dean of guild, or sheriff, on the application to him of the procurator fiscal, having the consent of the commissioners thereto, within a reasonable time to be limited in such requisition, to repair and secure or to pull down and remove such premises; and in default thereof such magistrate, dean of guild, or sheriff is hereby authorized and empowered, on the report of workmen, to repair and secure or pull down and remove such premises; and every such person aforesaid neglecting or refusing to comply with such requisition shall for every day forfeit and pay any sum not exceeding five pounds sterling, besides defraying the whole expence incurred in repairing and securing or pulling down and removing such premises.

Ruinous houses  
to be repaired  
or taken down.

XCIV. AND be it enacted, that in all such cases of the removal in whole or in part, or the alteration of such obstructions, the proprietor shall be relieved by the said commissioners of all expence which may be incurred in making application to such magistrate, dean of guild, or sheriff as aforesaid, in implementing his orders, or in any other way in relation to the premises, except only such expences as may be incurred by or through the improper opposition of such proprietor to the application to be made as aforesaid, or any of the proceedings under the same, or by or through his improper refusal or delay to implement the orders of such magistrate, dean of guild, or sheriff, all which expences shall be paid by such proprietor; and accordingly such magistrate, dean of guild, or sheriff may and shall give decreet according to the usual form and practice of his court, ordering such proprietor to make payment of such expence as the amount thereof shall be ascertained by them.

Expences of  
removal, &c.  
to be paid by  
the commis-  
sioners.

XCV. AND be it enacted, that in all streets or other places within any burgh which shall have adopted the provisions of this Act, where common sewers are

Proprietors of  
flats or floors

may erect  
foul or waste  
water pipes, &c.

now or may hereafter be constructed, it shall be lawful to the proprietor of separate floors or flats, under the direction of the commissioners, to erect one waste or foul water pipe along the back wall of the tenement on the outside, to communicate with any drain under ground leading into a common sewer, where there is such drain, and with power to make such drain if there is not one already, and afterwards to keep the same in good and sufficient repair ; provided that the expence and damage occasioned by the erecting and constructing such pipe, communication, and drain, and the expence of keeping the same clean and in good repair, shall be defrayed by the proprietors of the flats or floors making use of the same, in proportion to their respective rents, to be ascertained by the books of assessment aforesaid.

Commissioners  
may construct  
sewers and  
drains.

XCVI. AND be it enacted, that the said commissioners shall have power to construct proper main drains or common sewers in all places or situations in any street, square, lane, public passage or place where they may consider the same to be necessary, with power from time to time to deepen and enlarge the same, and also to conduct drains for leading rain or other water or soil into such main drains : Provided nevertheless, that it shall not be lawful for the said commissioners to cut off, divert, or alter any stream or watercourse, or diminish the ancient and accustomed quantity of rain or other water or soil flowing therein at the period at which the provisions of this Act may be adopted in any such burgh, without the consent in writing of the persons severally interested in such water, and of the respective owners and occupiers of the land on either side of such stream or watercourse throughout their respective properties.

Commissioners  
may provide fire  
engines, &c.

XCVII. AND be it enacted, that the said commissioners may provide one or more fire engines and fire cocks or plugs, as the said commissioners may judge necessary, and also fit persons for working the same, and apply so much of the assessments hereby authorized to be levied as may be necessary for such purpose.

If chimneys,  
&c. take fire, a  
penalty to be  
paid, and also  
a reward to  
firemen, &c.

XCVIII. AND be it enacted, that if any chimney or funnel for conveying smoke within any such burgh be set on fire, or be suffered to be set on fire, or shall take fire, the occupier of the premises to which such chimney or funnel belongs shall be liable in a penalty of ten shillings ; and such occupier shall moreover be liable in such further sum, not exceeding ten shillings, as any magistrate of such burgh shall award to be paid (in such proportions, if there be more claimants than one, as the said magistrates shall direct) to the firemen or other persons by whom such fire is extinguished, or to the fireman who shall soonest proceed to the place to assist in extinguishing such fire, or who shall first report such fire at the police office.

Commissioners  
may erect  
steelyards, &c.

XCIX. AND be it enacted, that the said commissioners may erect and maintain steelyards or other weighing engines upon or adjacent to the different roads leading to any such burgh, or at convenient places within the same, for the purpose of weighing such articles as may be brought within such burgh, and may enact such rules, regulations, and bye laws for regulating the weighing thereof, as they shall from time to time think necessary and expedient, and may enforce obedience thereto under such penalty and forfeiture as they shall affix, not exceeding twenty shillings.

Regulations as  
to deposit of  
stones, lime,

C. AND be it enacted, that no stones, wood, lime, sand, or other article shall be deposited, or any sheds for workmen or other erection or inclosure be

placed upon or opening made in any of the streets or other public places within any such burghs, without the authority of the magistrates first had and obtained; and the persons making or causing such to be made shall at their own expence cause a sufficient rail or fence, and (where necessary) a footpath, sufficiently fenced, to be put round the same, and shall also cause a sufficient number of lamps or lights to be affixed at or near the same, to be kept burning every night, from sunsetting to sunrising, that such depositions, erections, and inclosures shall remain, or such holes or openings shall be unfilled up, all to the satisfaction of the said commissioners; in failure whereof such magistrate may, on complaint, decern the persons so offending to pay any sum not exceeding two pounds for each day or night the same may remain undone, and may also order such depositions, erections, inclosures, foundations, or holes to be fenced, and lamps or lights to be affixed and kept burning, at the expence of the persons employed or concerned therein, reserving always to any persons who may suffer injury by such operations, whether the provisions above written be observed or not, to prosecute for reparation and damages according to law.

&c., and placing  
of erections,  
&c. in streets.

CI. AND be it enacted, that when it may become necessary to perform any work upon houses or tenements within the limits aforesaid, whereby risk may arise of any articles or materials falling upon the streets, or of other injury to the public, every person carrying on or causing to be carried on such works shall at his expence sufficiently fence round the parts of the said foot pavement opposite to such houses, and shall uphold and keep in proper repair the fences aforesaid, during the whole time the said works are carrying on, to prevent passengers from walking along those parts of the said foot pavements, and, where necessary, shall also form a footpath, sufficiently fenced, round or in front of such fence; and the person neglecting or refusing so to do shall be liable in a penalty not exceeding ten shillings for each day's failure; and any magistrate of any burgh which shall have adopted the provisions of this Act or any part thereof may order the said foot pavements to be fenced in as aforesaid, at the expence of such person.

Houses under  
repair to be  
fenced.

CII. AND be it enacted, that all cellars and other places adjoining to the public streets or places, having an entry by sunk steps or other openings in the pavement beyond the line of the wall of the building to which they belong, shall be protected by a sufficient iron grating or other sufficient cover, in such way as may be best suited for preventing danger or injury; and if any proprietor or occupier shall fail to construct such grating or cover when required by any magistrate of any burgh which shall have adopted the provisions of this Act, or to keep it properly secured, he shall be liable in a penalty not exceeding twenty shillings, and such magistrate may order the work to be executed at the expence of the party so offending.

Sunk steps, &c.  
to be covered in.

CIII. AND be it enacted, that such magistrate, upon complaint, may order to be removed or to be repaired all chimney cans or pots, tiles, slates, shutters, or other articles on the roofs or any other part of houses, which may be dangerous to passengers; and on failure such magistrate may employ a person to remove or repair the same; and the proprietor shall in such case, besides paying all expences, forfeit and pay a sum not exceeding one pound sterling.

Chimney pots,  
&c. to be se-  
cured or re-  
moved.

CIV. AND be it enacted, that where any part of the streets and other ways aforesaid, or the pavements or footpaths, spouts, shores, or pipes, drains or

Repair of  
streets, pave-  
ments, &c.



common sewers, or water pipes, within any such burgh, whether already made or hereafter to be made, shall get into disrepair, an intimation in writing shall be given, by order of the said commissioners, to the person liable to repair the same, requiring him to make such repair within a time to be specified in such written intimation; and, failing thereof, it shall be competent for any such magistrate of any such burgh, on complaint by the procurator fiscal, to fine and amerce such person in double the amount of the estimated expence of such repairs, to be recovered in manner herein provided, and on recovery thereof to authorize and direct such repairs to be made by the said commissioners, and the expence to be defrayed out of the sum to be so recovered; and the remainder of such sum, deducting the costs of recovering the same, shall be applied as fines and penalties are by this Act directed to be applied.

Construction  
of foot pave-  
ments.

CV. AND be it enacted, that the proprietors of all houses and other buildings, or of gardens, yards, grounds, and other heritages on which buildings are not erected, which are adjoining to or fronting any street, square, or other public or principal place within any such burgh, shall, at their own expence, when required by the said commissioners, cause footpaths before their property respectively, on the sides of the said roads, streets, squares, or other public or principal places, to be made, and to be well and sufficiently paved with flat, hewn, or other stones, or to be constructed in such other manner and form and of such breadth as the said commissioners shall direct; and in case such proprietors shall refuse or neglect or delay so to do, the magistrate before whom such complaint shall be brought may fine and amerce such proprietors in double the amount of the estimated expence, to be recovered in manner herein provided, and on recovery thereof to authorize and direct such foot pavements to be made by the said commissioners.

Sites may be  
purchased for  
police office,  
&c.

CVI. AND be it enacted, that it shall be lawful to the said commissioners to provide in any such burgh a proper police office, if necessary, containing suitable accommodation for the meetings of the commissioners, and for the several officers of the establishment, and for confining prisoners, as provided for by this Act, and also proper watch-houses in different situations, and to contract with proprietors of buildings properly adapted or which may be capable of being adapted to the purposes aforesaid, or with other persons qualified and willing to enter into such contracts, for the purchase or feu, or for the obtaining on lease for a suitable term of years, of such buildings; and in case no such buildings, to the satisfaction of the said commissioners, can be found at a suitable price or rent, then the said commissioners are hereby authorized and empowered to purchase or feu such convenient sites as may have been fixed as aforesaid within any such burgh, upon which buildings for the purposes aforesaid may be erected, and to contract for the erection thereof, and for fitting up and furnishing the same.

Weigh-house  
may be erected.

CVII. AND be it enacted, that it shall be lawful to the magistrates and town council of any such burgh, in conjunction with the commissioners to be elected therein, to erect or cause to be erected in such burgh if necessary, a weigh-house for the use of the inhabitants thereof, and of persons resorting thereto, with the necessary weights, scales, and measures, and other conveniences requisite for the weighing or measuring any articles of whatever description which may be exposed to sale in such burgh and requiring or desired to be weighed or measured; and it shall be lawful to the said com-

missioners to demand and take such reasonable rate or sum for the use thereof as shall be settled and agreed on between them and the said magistrates ; and the expences of such weigh-house shall and may be borne and defrayed by the said commissioners out of the assessments to be levied under or in virtue of the powers hereby granted ; and in case of difference between the said magistrates and the said commissioners as to the erection or expence of such weigh-house, or the amount of the rate to be taken for the use thereof, it shall be competent for either party, after six days previous notice given to the other party, to apply to the sheriff of the county, who shall determine the same, and whose decision shall be final and conclusive.

CVIII. AND be it enacted, that it shall be lawful for the said commissioners to contract for lighting in a suitable manner with oil, gas, or otherwise, the whole roads, streets, lanes, wynds, closes, passages, and other places within any such burgh, or any part thereof, as the said commissioners shall from time to time think fit, and to erect the requisite number of lamps, lamp posts, lamp irons, and gas tubes, and to affix the same, where necessary, upon the houses or other buildings upon the sides of the streets : Provided always, that no gas pipe shall be affixed upon the walls of any house without the consent of the owner or occupier thereof in writing.

Commissioners  
may contract  
for lighting,  
and erect  
lamps, &c.

CIX. AND be it enacted, that if any person shall wilfully take away, break, or throw down any lamp or lamps, tube, or other gas-fittings set up within the bounds of any such burgh, or shall wilfully extinguish the light within the same, or damage the irons or appurtenances thereof, such offender shall forfeit and pay a fine not exceeding five pounds sterling for every such offence, and shall moreover pay such sum as the magistrate before whom such offender shall be brought shall find to be necessary for remedying the damages done ; and in case such offender shall not immediately upon conviction pay such fine, such magistrate is hereby empowered to commit him to the common gaol or bridewell for a space not exceeding sixty days ; and such offender shall not be discharged before the expiration of that time, unless such fine shall be sooner paid ; and in case of neglect or refusal to pay the sum so awarded in name of damages within forty-eight hours after it shall be demanded, the same may be recovered by pouding and sale of the offender's effects, or by other legal means.

Penalty for  
breaking lamps,  
&c.

CX. AND be it enacted, that in case it shall be necessary for the conducting of gas, or making common sewers or drains, or for laying pipes for the supply of any such burgh with water or gas, or for any other purposes, that the streets within any such burgh should be opened, it shall be in the power of the said commissioners, and they are hereby authorized, to apply by petition to the magistrates and council of such burgh, and to road trustees respectively, with regard to streets and other places under their respective management and superintendence, for leave to open such streets, roads, and other places ; and such magistrates and council and road trustees respectively shall, on such application, grant the necessary warrant for that purpose ; the said commissioners and those employed by them being always bound to carry on such operations in the manner least inconvenient for the inhabitants, and with the least possible delay, and at their own expence to fence such works while the same are going on, and to reinstate the streets and other places so opened by them in the same condition as before they shall have been so opened.

Power to open  
streets.

Commissioners  
may appoint  
scavengers, &c.

CXI. AND be it enacted, that the said commissioners may appoint scavengers and others for sweeping and cleansing the streets, roads, lanes, and other places in any such burgh, or contract with any person for these purposes, and to remove the dung or filzie thereof to such places as the said commissioners shall deem least offensive to the inhabitants, with power to the said commissioners to rent or purchase depôts for that purpose, within or without any such burgh, from such person as may be willing to contract and agree with them therefor; and all dust, ashes, dung, or other filzie, excepting always stable and byre dung, and the refuse of slaughter-houses, collected upon the streets, lanes, common stairs or passages within such burgh, shall belong to the commissioners.

If magistrates  
provide sham-  
bles, cattle shall  
not be else-  
where slaugh-  
tered.

CXII. AND be it enacted, that as soon as the magistrates and council, or other persons duly authorized, shall provide in the suburbs or other proper and convenient place of any such burgh fit shambles or slaughter-houses for the purpose of slaughtering cattle and other beasts, and shall by tuck of drum, or other usual mode of proclamation in such burgh, once a day for seven days have declared the same to be open, it shall not thereafter be lawful for any fletcher or butcher or other person (private persons in their own premises, for the use of their own families, and incorporations, who have erected shambles at the sight and under the authority of the magistrates and town council, and their tenants, alone excepted) to slaughter cattle or other beasts elsewhere than in the shambles or slaughter-house so to be provided; and any person thereafter using any other shambles or slaughter-house shall be liable to the said commissioners in a penalty not exceeding twenty pounds; and it shall and may be lawful for the said commissioners to demand and take for the use thereof such reasonable rate or sum as may be agreed on and fixed between them and the said magistrates; and in case of difference as to the rate to be taken for the use of such slaughter-house or shambles, the same shall, upon the application of either party, and after seven days previous notice to the other party of such intended application, be fixed and determined by the sheriff of the county, whose decision thereon shall be final and conclusive, and not subject to review in any court of law or equity.

Regulations as  
to hackney  
coaches, &c.

CXIII. AND be it enacted, that the magistrates and council of any such burgh for the time being shall have full power and authority, and they are hereby empowered and authorized, to licence such number of hackney coaches, landaus, chariots, or other carriages for hire, as they from time to time shall think proper; and the town clerk of such burgh shall be entitled to exact the sum of one shilling for each licence, such licence to continue for two years, and to prevent all others, not licensed, from plying for hire or occupying any part of the streets or highways of such burgh, suburbs or liberties thereof; and if any person or persons who shall obtain such licence shall not, within the space of one month after obtaining or receiving the same, keep and maintain such coach or other carriage for which such licence shall be granted, for the use and convenience of the public, and continue so to do during the continuance of his or her licence, and shall, on the complaint of the procurator fiscal or other public prosecutor of such burgh, be convicted thereof before the said magistrates, or any one of them, by the oath or oaths of one or more credible witness or witnesses, such person or persons shall forfeit and pay any sum not exceeding five pounds sterling for each offence, to be levied summarily, and the licence thereafter shall be void; but in case the person

so offending shall surrender his licence to the said magistrate, such fine or penalty shall not be levied; and such magistrates shall be and are hereby authorized and empowered to make such other rules and regulations as they shall think fit for licensing and regulating the said hackney coaches and other carriages, and also for sedan chairs, carts, waggons, and porters, in such burgh, and for trying and punishing the misbehaviour of coachmen, drivers, chairmen, carters, and porters, and for fixing and altering their stands, and for ascertaining what rates and fares, both as to distance and time, shall be allowed to be taken by them, and to what distance, and under what penalties, coachmen, drivers, chairmen, and porters shall be obliged to drive or ply in and round such burgh, not exceeding seven miles for coachmen, and two miles for chairmen and porters; and the said magistrates and council are hereby authorized and empowered from time to time to repeal, add to, alter, or amend such rules and regulations, and to impose fines and penalties for the breach or nonperformance of such rules and regulations; which fines and penalties shall be recoverable on the complaint of the procurator fiscal or other public prosecutor of such burgh, or on the complaint of the private party aggrieved; declaring that no penalty imposed by the said magistrates and council shall exceed one pound sterling; and all such rules and regulations made by such magistrates and council, specifying the fines and penalties for the breach and nonperformance thereof, shall from time to time, as often as they shall be made, altered, or varied, be put up, either in print or in writing, on such place or places as the said magistrates and council shall think proper, at all times to remain and be in the said place or places.

CXIV. AND be it enacted, that it shall be lawful for the said commissioners to require that the water from the roofs and cornices of all houses or other buildings fronting the public streets, lanes, roads, passages, wynds, and closes, shall be conveyed by leaden or other proper pipes or runs, to be brought down the walls of such houses or other buildings respectively to the ground, and shall be kept in repair, at the expence of the proprietors of such houses or other buildings respectively, but so as that the same shall not discharge the water thereby conveyed upon the foot pavements; and if any such proprietor shall fail or neglect to convey such roof water in manner aforesaid, within fourteen days after being required to do so by such commissioners, any magistrate may, on complaint as aforesaid, order the works necessary for conveying the said water in manner aforesaid to be done at the expence of such proprietors, to be recovered, along with the expences of the application, by poinding and sale as aforesaid.

Water from roofs, &c. to be conveyed by pipes.

CXV. AND be it enacted, that it shall be lawful for the said commissioners to dig wells, and, except in such burghs in which there shall be works already established by Act of Parliament for the supplying any such burgh with water, to bring water into such burgh for the use of the inhabitants, and for that purpose to contract and agree with the proprietors and all other persons interested in any springs, stream, or river capable of supplying such burgh, and with the owners and occupiers of ground situated between such springs, stream, or river and such burgh, for the right and privilege of collecting and conveying the water of such springs, stream, or river into such burgh, and of erecting cisterns and laying pipes, and to construct all other necessary works for conveying such water into such burgh in and through the lands or grounds

Power to commissioners to bring water into the burgh.

lying between such springs, stream, or river and such burgh, and also through the streets and lanes thereof, and to open such ground from time to time in order to repair or replace such pipes and works, and from time to time to contract and agree with such persons as they shall judge proper for laying such pipes, and erecting, completing, and repairing such works, as may be necessary for effecting the purposes above mentioned.

Gas pipes to be laid as far as possible from water pipes.

CXVI. AND be it enacted, that all and every the pipes or other conduits to be laid or used for the conveyance of gas in, under, through, along, or across or round any road, street, lane, or other public passage or place within such burgh, shall be so laid at the greatest practicable distance, and, whenever the width of the carriageway in such street or place will allow thereof, at the distance of four feet at least from the nearest part of any water pipe, sough, or watercourse already laid down or hereafter to be laid down for the conveyance of water in, under, through, along, across, or round any of the streets, lanes, or other public passages or places within such burgh, except in cases where it shall be unavoidably necessary to lay the gas pipes across any of the said water pipes, soughs, or watercourses, in which cases the said gas pipes shall be laid over and above the said water pipes, soughs, and watercourses at the greatest practicable distance therefrom, and shall form therewith as near as possible a right angle; and in such cases the said gas pipes so crossing the said water pipes, soughs, and watercourses shall be at least six feet in length, so that no joint of any of the said gas pipes shall be nearer to any part of the said water pipes, soughs, or watercourses than three feet at least; and in laying down the said gas pipes, the said commissioners shall in no case join two or more gas pipes together previously to their being laid in the trench, but shall lay each pipe as near as may be in its place in the trench, and shall in such trench form the jointing with the other pipes to be added thereto with proper and sufficient materials, and shall also make and keep all and every such pipes, and all pipes connecting or communicating therewith, and all the screws, joints, inlets, apertures, or openings therein respectively, air-tight, and in all and every respect prevent the said gas from escaping therefrom, upon pain of forfeiting for any such offence, if the said commissioners shall neglect or refuse to make such gas pipes air-tight within twenty-four hours after notice thereof given to them in writing, the sum of fifty pounds, to be recovered, at the instance of any person having interest, by summary complaint to the sheriff of the county in which such burgh is situate.

Proceedings where water is contaminated by gas.

CXVII. AND be it further enacted, that whenever the water of any owner or company of proprietors of waterworks shall be contaminated or affected by the gas to be supplied under the authority of this Act, the said commissioners shall forfeit and pay for every such offence a sum not exceeding twenty pounds, to be sued for and recovered as herein directed, and applied for the use and benefit of the water company or owner of the waterworks affected thereby; and in case any such water shall be contaminated or affected by gas in any way whatsoever, then and in every such case the said commissioners supplying such gas shall, within twenty-four hours next after notice thereof in writing, signed by the clerk or surveyor to such water company, owner, or company of proprietors, or by any person consuming the water, to be left with or at the office of the clerk of the said commissioners, cause the

most proper and effectual measures to be taken effectually to stop and prevent gas from escaping from their works, mains, or pipes, or contaminating or affecting the water of such company or owner of waterworks; and in case the said commissioners shall not, within twenty-four hours next after each and every such notice so left as aforesaid, effectually stop and prevent gas from so escaping, and wholly and satisfactorily remove the cause of every such complaint, and prevent all and every such contamination whereof notice shall be given as aforesaid, then and in every such case the said commissioners shall, on each and every complaint whereof notice shall be given as aforesaid, forfeit and pay to the treasurer for the time being, or to any one of the directors for the time of such water company, or to such owner of waterworks, for the use and benefit of such company or owner, over and above the before-mentioned penalty of twenty pounds, to be recovered as herein directed, the sum of ten pounds for each and every day during which such water shall be and remain contaminated, tainted, or affected by the gas of the said commissioners; and in default of payment thereof as aforesaid such penalty or penalties shall and may be recovered by summary complaint to the sheriff of the county in which such burgh is situate, with the evidence on oath of one credible witness, by and in the name of any one or more of the directors of any such water company, or of such owner, at the option of the party or parties pursuing such complaint against the said commissioners before the said sheriff, with such expences therefor as shall be modified by him, and to be levied by decree and precept of poinding the goods and effects of the said commissioners, together with the expences of such decret and precept; and such penalty or penalties, when so levied, shall be paid to the treasurer, or to one of the directors for the time being of the company, or to the owner of such water contaminated or affected by such gas. •

CXVIII. AND whereas it may be or become a question upon such complaint as aforesaid, whether the said water be contaminated or affected by the gas supplied under the authority of this Act: Be it therefore enacted, that in every such case it shall and may be lawful to and for the said owner or company of proprietors of waterworks to apply to the sheriff of the county in which such burgh is situated for a warrant, and on obtaining the same to dig to and about and search and examine the mains, pipes, conduits, and apparatus of the said commissioners, for the purpose of ascertaining whether such contamination proceeds or be occasioned by the gas of the said commissioners; and if it shall appear that the said water has been contaminated by any escape of such gas, the expences of the said digging, search, and examination, and repair of the pavement of the street or streets which shall be taken up or disturbed, shall be borne and paid by the said commissioners; which expences shall be ascertained and determined, if necessary, by the sheriff of such county, and be recovered by decree and precept of poinding, as herein-before directed: Provided always, that if upon such examination it shall appear that such contamination has not arisen from any such escape of gas from any of the mains, pipes, or conduits of the said commissioners, then the company or persons supplying such water shall bear and pay all the expences of such examination, repair, and search, and shall also make good to the said commissioners any loss, injury, or damage which may be occasioned to the said mains, pipes, conduits, or apparatus of the said commissioners by

Mode of ascertaining if water is contaminated.

such search and examination, and also to the pavement of the said streets so broken or disturbed in such search; the amount of such injury to be ascertained and determined, if necessary, by the sheriff of such county, and recoverable in like manner as the penalties are herein-before directed to be recovered.

This Act not to prevent proceedings for a nuisance or actions for injury caused by gasworks, &c.

**CXIX.** PROVIDED also, and be it further enacted, that nothing herein contained shall extend or be construed to prevent any person or persons from proceeding against the said commissioners in respect of any such gas work, or the method which shall be employed by them for furnishing such light as aforesaid, as a public or private nuisance, or from bringing any actions against the said commissioners for any injury sustained by reason of any such works or method of lighting, whether such injury shall proceed from the nature of such method of lighting, or the carelessness or want of skill of the persons who may be employed therein.

Commissioners may take the management of waterworks and gasworks.

**CXX.** AND be it enacted, that it shall be lawful for the said commissioners, except in such burghs in which there shall be works already established by Act of Parliament for the supplying any such burgh with water or gas, to treat and agree for, and thereafter, with the consent of the proprietors or other trustees or other persons in charge or management thereof, to assume and take the management of such works and establishment, and of the supplying of water or gas thereby, or otherwise, to such burgh: Provided always, that the said commissioners shall previously thereto satisfactorily undertake for all the debts and obligations legally due by and incumbent on such waterworks or establishment, and free and indemnify the persons theretofore having the management and administration thereof.

Penalty on persons abstracting water from reservoirs, &c. of commissioners.

**CXXI.** AND be it enacted, that if any person shall take or cause to be taken or used any water out of any pond, tank, reservoir, or aqueduct, or other work belonging to the said commissioners, whether the same be already made, or shall be made or acquired by virtue of this Act, without the previous consent in writing of the said commissioners to give such consent, then and in every such case every person so offending shall forfeit and pay a sum not exceeding fifty pounds sterling for every such offence.

Penalty on persons maliciously injuring works.

**CXXII.** AND be it enacted, that if any person shall wilfully or maliciously damage or destroy any cistern, pipe, or apparatus, or other work for supplying water or gas as aforesaid, or shall wantonly discharge or let off any water or gas from such cistern, pipe, apparatus, or other work, every such person shall, besides the full amount of the damage done thereby, forfeit and pay to the said commissioners any sum not exceeding fifty pounds sterling for every such offence.

Commissioners may contract for supplying persons with water or gas.

**CXXIII.** AND be it enacted, that it shall be lawful for the said commissioners to enter into contracts with the occupier or proprietor of any house or premises situated within any such burgh for the supply of such owner or occupier with water or gas, and by such contract such proprietor or occupier may, at his own expence, be permitted to convey water or gas into such house or premises, upon making such annual payment to the said commissioners, and on such conditions, as may be agreed upon: Provided always, that if at any time the payment of such annual sum shall fall into arrear, it shall be lawful for the said commissioners to levy the same by poinding and sale of the party's effects in manner herein-before provided for the recovery of assess-

ments due under the provisions of this Act, and to stop the further supply of water and gas to such premises in such manner as they shall direct; and provided also, that nothing herein contained shall be construed to prevent any person from taking water at any of the public wells already made and erected or to be made and erected within such burgh.

CXXIV. AND be it enacted, that every person so supplied with water shall in every receptacle for water affix to the pipe conveying water into his premises a ball-cock or other self-acting cock, in such manner as the said commissioners or their officers shall direct, and shall keep the same in repair, and shall prevent the water running to waste or being applied to the use of any other person or persons than those resident on the premises; and any person so offending shall forfeit a sum not exceeding twenty shillings sterling for every such offence, with power to the said commissioners on the third offence to stop the supply of water to such party; and the officers of such commissioners shall have free access at all seasonable times to the premises so to be supplied as aforesaid, to see that such ball-cocks are kept in proper and sufficient condition and repair, and that such waste or misapplication does not occur.

Ball-cocks to be provided in cisterns, &c.

CXXV. AND be it enacted, that it shall be lawful for the said commissioners to borrow and take up, for the purpose of procuring a police office, erecting a slaughterhouse or shambles, or weigh-house, or for erecting lamps, or for making and constructing common sewers, any sum not exceeding three years amount of the several assessments fixed and determined as above provided in relation to these several objects respectively, or for procuring water any sum not exceeding six years amount of the assessment fixed for that object; that is to say, that a sum may be borrowed and applied to the said purposes, in so far as the same relate to the watching department, not exceeding three times the amount of the proportion of the assessments specified as applicable for one year to the department of watching, as herein-before provided; and in like manner sums may be borrowed for the purpose of being applied to the aforesaid purposes connected with the other departments respectively, not exceeding three times the amount of the assessments specified as applicable for one year to each of the said departments respectively; and in like manner a sum may be borrowed for procuring water or supplying gas, or paying for any existing waterwork or establishment or gaswork as aforesaid, not exceeding six years amount of the yearly assessment fixed on for bringing water into such burgh.

Commissioners may borrow money.

CXXVI. PROVIDED always, and be it enacted, that in all cases in which it shall be necessary for the said commissioners to borrow any sum or sums of money for the purposes of this Act, it shall be lawful for the said commissioners, and they are hereby authorized and required, at their first annual meeting for assessment after such borrowing, or at any subsequent annual meeting not exceeding twelve months from the date of any such borrowing, to assess all tenants, occupiers, and possessors of premises valued as aforesaid in such an additional assessment beyond the sum necessary for the purposes of this Act as will produce a fund amounting to five per centum per annum upon the sum so borrowed by the said commissioners, which sum of five per centum per annum the said commissioners shall annually appropriate, set apart, and invest at the highest rate of interest which can be had for the same in

Commissioners to establish a sinking fund for the repayment of money borrowed.



the public funds, in any of the said banks, or in heritable security, as a sinking fund, applicable and to be applied by them from time to time in the repayment of the money borrowed, until the debt shall be extinguished: Provided always, that such additional assessment shall not increase the whole assessment leviable beyond the maximum rate of assessment, to be fixed at the first meeting for fixing the maximum rate of assessment, or any subsequent triennial meeting as aforesaid.

Commissioners  
not to be per-  
sonally liable.

CXXVII. AND be it enacted, that no commissioner, or officer acting under them, shall be personally liable for the repayment of any money so borrowed; but all such obligations shall be deemed and taken to be granted on the sole security of the rates and assessments authorized to be assessed and levied as herein-before provided.

Bonds for  
money bor-  
rowed.

CXXVIII. AND be it enacted, that all bonds for the monies to be borrowed as aforesaid shall be signed by the treasurer or collector of the said commissioners in presence of two of the said commissioners, who shall sign as witnesses thereto, and shall be in the form and tenor following; videlicet,

‘ Number [here state the number].

‘ BY virtue of an Act made in the third and fourth year of the reign of his Majesty King William the Fourth, intituled “An Act to enable burghs “ in Scotland to establish a general system of police,” I, A.B. [here state ‘ whether treasurer or collector, or both,] of the commissioners of police for ‘ the burgh of [here insert the name of the burgh], and by authority of ‘ said commissioners, in consideration of the sum of [here insert the sum in ‘ words] instantly advanced and paid to me on account of the said commis- ‘ sioners, and for the purposes of the said Act, by C.D. of E., do hereby bind ‘ and oblige the said commissioners for the time being, out of the first and ‘ readiest of the monies to be raised under the annual assessments by the said ‘ Act authorized to be imposed and levied, to pay at the term [insert term of ‘ payment] to the said C.D., his executors or assignees, the said sum of [here ‘ state the sum], with the interest thereof at the term of [insert term of pay- ‘ ment of interest], at the rate of [here insert the rate of interest] per centum ‘ per annum from the date hereof, till the said sum is paid; and for the ‘ further security of the said C.D. I do hereby assign to him, his executors or ‘ assignees, such proportion of the said monies to be raised under the said ‘ annual assessment as shall be equivalent to the said sum so now paid to me, ‘ and the interest to become due thereon as aforesaid from the date hereof ‘ to the term of payment; and I consent to the registration hereof in the ‘ books of council and session, or other books competent for preservation, that ‘ all competent diligence may pass and be directed hereon in form as effeirs, ‘ and thereto constitute my procurators. In witness whereof I ‘ have subscribed these presents, written by at this ‘ day of in the year .

‘ Before these witnesses,

‘ A.B.’

‘ K.L. commissioner.

‘ M.N. commissioner.’

And till repayment such bonds respectively shall form a lien on the rates and monies granted by this Act, and assigned by such bond, and shall entitle the creditor under the same to recover such principal sums from such commis-

sioners and their officers, out of the first and readiest of the rates and monies assigned.

CXXIX. AND be it enacted, that such bonds may be assigned by indorsation on the back of such bond, in the form and tenor following; videlicet,

Bonds may be transferred by indorsement.

‘ I C.D. do transfer this bond, with all right, title, or interest which I have under the same, to E.F., his [or her or their, as the case may be,] executors and assignees. In witness whereof I have subscribed these presents, written by                      at                      the                      day of                      ‘ Before these witnesses,                      ‘ (Signed)                      C.D.’  
‘ K.L. witness.  
‘ M.N. witness.’

CXXX. AND be it enacted, that before such bonds shall be delivered to the creditor, or shall form a valid lien on the rates and monies as aforesaid, the same shall be recorded in the sederunt book of the said commissioners, and a certificate of such registration shall be indorsed on such bond, and signed by the clerk of the said commissioners; and such assignations shall be notified to the treasurer of the said commissioners, who shall enter in the said sederunt book the date of the said assignation, the names of the parties thereto, the number or mark of such bond, and the interest due on the same; and a certificate of such entry shall be indorsed on the said bond, and signed by the treasurer; and thereafter the assignee, his executors and assignees, shall be entitled to the full benefit of such bond.

Bonds to be recorded, and assignations to be registered.

CXXXI. AND be it enacted, that this Act shall not extend or be deemed or construed to extend to any burgh in possession of any local Act for regulating the police thereof, or any other of the purposes of this Act, unless such burgh shall adopt the same in whole or in part in manner herein provided; and upon such adoption such local Act, and all the powers and provisions thereof, shall thereupon cease and determine in so far as such powers and provisions regulate or relate to any of the ends and purposes provided for by this Act and so adopted; saving always the powers and provisions in relation to water herein contained; and this Act, or so much thereof as shall be so adopted, shall thereafter come into full force and operation, and shall be executed in the manner herein provided.

Provision in regard to burghs possessed of local Acts.

CXXXII. PROVIDED always, and be it enacted, that where two or more burghs locally situated together, and described in the said recited Act of the first and second year of the reign of his Majesty King William the Fourth as one parliamentary burgh, shall severally be possessed of local Acts regulating the police of such burghs separately, it shall not be competent or lawful in such case for the inhabitants of any such burghs to make any such application as is herein-before authorized for adopting the provisions of this Act, or to add to the same in whole or in part, unless the persons in each such burgh, qualified as aforesaid, shall unanimously agree so to do.

Where two or more burghs locally situate together and described as one parliamentary burgh in 2 & 3 Will. 4. c. 65. have separate local police Acts, they shall not adopt this Act without consent of inhabitants in each such burgh.

CXXXIII. AND be it enacted, that where the provisions of this Act shall be made to apply to any burgh now having or which may hereafter have a local Act, all bonds, contracts, covenants, agreements, and securities made and entered into under and by virtue of any local Act shall remain in full force and effect, and shall continue available and binding on all the parties thereto in all courts of justice; and nothing herein contained shall be construed to

Contracts under former Acts saved.

Officers under  
former Acts  
continued.

extend or diminish or affect the debts, rights, or claims of any creditor under any such Act, but all such debts, rights, or claims shall continue burdens under this Act to the same extent and in the same manner that they were burdens under such local Act; and in all cases where the provisions of this Act shall be made to apply, the officers appointed under and employed in the execution of any such local Act shall respectively continue to exercise their offices until they shall be respectively legally removed therefrom under the authority of this Act.

Trial of  
offences.

CXXXIV. AND be it enacted, that all offences specified in this Act may be tried either by the sheriff of the county within which such burgh shall be situated, according to the summary form prescribed in an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled

9 Geo. 4. c. 29.

“ An Act to authorize additional circuit courts of justiciary to be held, and to “ facilitate criminal trials, in Scotland,” or by the magistrates of such burgh in the manner after provided: And it is hereby provided, that prosecutions shall alone be raised and insisted in at the instance of the procurator fiscal of court; and all penalties awarded and sums recovered under the authority of this Act, whereof the application is not otherwise provided, after deducting expences (if any), shall be paid to the commissioners of police, and shall be applied by them in their respective burghs for the purposes of this Act, and be accounted for by them along with the sums authorized to be assessed under the provisions of this Act: And it is further provided, that such sheriff and magistrates may respectively appoint as procurator fiscal, either jointly along with the ordinary fiscal of court, or in such other way as they may respectively prefer, such officer of police as the said commissioners may recommend for that duty, to the effect that such officer may conduct, as procurator fiscal, prosecutions under this Act before such courts respectively.

Application  
of penalties.

Appointment  
of officer of  
police as  
procurator  
fiscal.

Jurisdiction of  
magistrate of  
burghs over  
adjoining  
territory.

CXXXV. AND be it enacted, that the magistrates of every burgh wherein shall have been adopted the provisions of this Act in regard to watching shall enjoy, hold, and possess, in so far as regards the recovery of rates, the matter of crime, and also of offence specified in this Act, the same jurisdiction over the whole territory adjoining to such burgh, comprehended within the limits to which this Act shall extend, as that which such magistrate may hold and possess within such burgh itself.

Jurisdiction  
of chief magis-  
trates, &c. in  
respect of  
offences under  
this Act.

CXXXVI. AND be it enacted, that the chief magistrate of such burgh, and in the case of united burghs the chief magistrate acting as preses aforesaid, and their successors in office, or, in his unavoidable absence, the acting chief magistrate for the time, shall within their respective burghs (but for the purposes of this Act only) possess such and the like jurisdiction and authority for the trial of crimes and offences specified in and cognizable under this Act as such magistrates would possess if nominated and appointed sheriff substitutes within their respective burghs, and shall try such crimes and offences according to the summary form and subject to the appeal prescribed in and allowed by the said recited Act of the ninth year of the reign of his said late Majesty King George the Fourth.

Provisions of  
this Act to  
apply to all  
future local  
police Acts.

CXXXVII. AND be it enacted, that from and after the passing of this Act all the enactments and provisions in this Act contained shall extend and apply to all Acts of Parliament which shall hereafter be passed for the regulating the police of any royal burgh, burgh of regality, or burgh of barony in Scot-

land, save and except in so far as such enactments and provisions may be expressly altered or excluded by any such Act.

CXXXVIII. SAVING and reserving always to all sheriffs and their substitutes, and to all burghs, provosts, magistrates and council, deans of guild, and to all justices of the peace, and to all other magistrates, all rights of shrievalty, and all and every jurisdiction, of whatever kind or nature, civil as well as criminal, and to all private parties all rights of markets which they are any-ways used or entitled to exercise, in the same manner as if this Act had never been passed; and saving and reserving always the whole Acts and statutes now in force for regulating the police, the distribution of water or of gas of and in any royal burgh or any other burgh in Scotland, and all powers, jurisdictions, provisions, and authorities thereby conferred; which are hereby declared to remain in full force and unrepealed, excepting in so far as the same may be altered or abrogated under the powers and provisions of this Act. Saving clause.

#### SCHEDULES to which this Act refers.

##### SCHEDULE (A.)

NOTICE is hereby given, that in virtue of the powers contained in an Act passed in the third and fourth year of his Majesty King William the Fourth, intituled "An Act to enable burghs in Scotland to establish a general system of police," the occupiers of premises in the burgh of \_\_\_\_\_ or the burgh of \_\_\_\_\_ and places adjacent within one thousand yards from the bounds and limits thereof, [as the case may be] of the real yearly rent or value of \_\_\_\_\_ and upwards, are hereby required to meet upon \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ next, at twelve of the clock, within \_\_\_\_\_ in this burgh, when the said Act shall be laid before the meeting.

(Signed)

Dated \_\_\_\_\_

E.F. Acting Chief Magistrate.

##### SCHEDULE (B.)

FORM of the Book to be used at the Meeting for resolving whether this Act shall come into operation.

Adopt, or not, the Provisions of Act, in so far as respects					Signatures of Voters.	Designation of Voters.	Residence of Voters.
Paving.	Watching.	Lighting.	Cleaning.	Water.			



inform or complain in that behalf, by the same ways and means and in the same manner and form as are and is provided for the recovery of any penalty incurred under the said recited Act; and all clauses, regulations, and provisions contained in the said recited Act, relating to the recovering, levying, or mitigating of the penalties thereby imposed, shall be of full force and effect, and shall be applied and put in execution for the recovering, levying, and mitigating of the penalties by this Act imposed, as fully and effectually to all intents and purposes as if such clauses, regulations, and provisions had been repeated and specially enacted in this Act with reference to the penalties by this Act imposed.

VI. PROVIDED always, and be it enacted, that all pecuniary penalties imposed by or incurred under this Act and under the said recited Act, or either of them, whether the same shall be sued or prosecuted for and recovered by or in the name of his Majesty's attorney general in England, or his Majesty's advocate for Scotland, or the solicitor of stamps, or any other officer of stamp duties in England or Scotland respectively, or for the recovery of which any information or complaint shall be made or any action or suit commenced by any other person or persons whomsoever, shall go and be applied to the use of his Majesty, anything in the said recited Act to the contrary thereof notwithstanding; and all such penalties shall be paid or remitted to the solicitor of stamps in the manner directed by the said Act, and shall be deemed to be part of his Majesty's revenue arising from stamp duties, and shall accordingly be accounted for and paid by the said solicitor to the receiver general of stamp duties: Provided always, that it shall be lawful for the commissioners of stamps, at their discretion, to give all or any part of any such penalties as rewards to any person or persons who shall have detected the offences for or in respect of which such penalties shall have been incurred, or who shall have given information which may have led to the discovery thereof or to the conviction of the offenders.

Application of penalties.

VII. AND whereas an Act was passed in the first and second years of the reign of his present Majesty, intituled "An Act to amend the laws relating to hackney carriages, and to waggons, carts, and drays, used in the metropolis, and to place the collection of the duties on hackney carriages and on hawkers and pedlars, in England, under the commissioners of stamps"; and doubts have arisen whether carriages drawn or impelled by the power of steam, and used for the conveyance of passengers for hire, are hackney carriages, subject to the duties and regulations imposed and enacted by the said last-recited Act: For removing such doubts, be it enacted and declared that nothing in the said last-recited Act shall extend or be deemed or construed to extend to any carriage drawn or impelled by the power of steam, or otherwise than by animal power.

Nothing in 1 & 2 Will. 4. c. 22. shall extend to carriages impelled by steam, &c.

## CHAPTER XLIX.

AN ACT to allow Quakers and Moravians to make Affirmation in all Cases where an Oath is or shall be required. [28th August 1833.]

WHEREAS it is expedient and reasonable that the solemn affirmation of persons of the persuasion of the people called Quakers, and of Moravians, should be allowed in all cases where an oath is or shall be required: Be it

Quakers and Moravians may in all cases make a solemn affirmation or declaration instead of an oath.

Penalty for affirming or declaring falsely.

Form of affirmation or declaration.

therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every person of the persuasion of the people called Quakers, and every Moravian, be permitted to make his or her solemn affirmation or declaration, instead of taking an oath, in all places and for all purposes whatsoever where an oath is or shall be required either by the common law or by any Act of Parliament already made or hereafter to be made, which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form; and if any such person making such solemn affirmation or declaration shall be lawfully convicted wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which if the same had been in the usual form would have amounted to wilful and corrupt perjury, he or she shall incur the same penalties and forfeitures as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury, any law, statute, or custom to the contrary notwithstanding: Provided always, that every such affirmation or declaration shall be in the words following; (that is to say,)

‘ I A.B. being one of the people called Quakers [or one of the persuasion of the people called Quakers, or of the united brethren called Moravians, as the case may be,] do solemnly, sincerely, and truly declare and affirm.’

\* \* \* \* \*

## CHAPTER L.

AN ACT to repeal the several Laws relating to the Customs.

[28th August 1833.]

\* \* \* \* \*

All Acts relating to customs, navigation, or smuggling repealed, except as herein excepted.

18 Geo. 3.  
c. 12.

31 Geo. 3.  
c. 31.

III. AND in order that no doubt should remain whether any, or what, if any, former Act or Acts relating in any way to the customs continue in force, be it further enacted, that all Acts and parts of Acts relating to the revenue of customs, to navigation, or to the prevention of smuggling, in any part of the British dominions, so far as the same shall be in force at the commencement of this Act, shall be and the same are hereby repealed, save and except such Acts and parts of Acts as are herein-after mentioned and described; that is to say, an Act passed in the eighteenth year of the reign of his Majesty King George the Third, intituled “An Act for removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain in any of the colonies, provinces, and plantations in North America and the West Indies, and for repealing so much of an Act made in the seventh year of the reign of his late Majesty as imposes a duty on tea imported from Great Britain into any colony or plantation in America as relates thereto”; and also so much of any Act or Acts, or the part of any Act or Acts, now in force, which was or were passed prior to the last-mentioned Act, and by which any duties in any of the British possessions in America were granted and still continue payable to the crown, as relates to the collection and appropriation of such duties, except as herein-after excepted; and also an Act passed in the thirty-first year of the reign of his Majesty King George the Third, intituled “An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty’s reign, intituled ‘An Act for making more effectual provision for the government of

“ ‘ the province of Quebec in North America,’ and to make further provisions  
 “ for the government of the said province ”; . . . . . and also  
 an Act passed in the fourth year of the reign of his late Majesty King George  
 the Fourth, intituled “ An Act to consolidate and amend the several laws now 4 Geo. 4. c. 80.  
 “ in force with respect to trade from and to places within the limits of the  
 “ charter of the East India Company, and so much further provisions with  
 “ respect to such trade, and to amend an Act of the present session of Par-  
 “ liament, for the registering of vessels, so far as relates to vessels registered in  
 “ India ”; . . . . . and also an Act passed in the fifth year of  
 the reign of his late Majesty King George the Fourth, intituled “ An Act to 5 Geo. 4. c. 64.  
 “ amend the several Acts for the encouragement and improvement of the  
 “ British and Irish fisheries ”; and all other Acts and parts of Acts relating to  
 the said fisheries which were in force upon the said fifth day of January one  
 thousand eight hundred and twenty-six; and also an Act passed in the sixth  
 and seventh year of the reign of King William the Third, and another Act 6 & 7 Will. &  
 passed in the fifteenth year of the reign of his late Majesty King George the Mar. c. 10.  
 Third, and another Act passed in the thirty-first year of the reign of his said 15 Geo. 3.  
 Majesty, which several Acts relate to certain keel boats and carriages, and for c. 27.  
 loading coals on board ships; and also an Act passed in the sixth year of the 31 Geo. 3.  
 reign of his late Majesty King George the Fourth, intituled “ An Act to repeal c. 36.  
 “ the several laws relating to the performance of quarantine, and to make other 6 Geo. 4. c. 78.  
 “ provisions in lieu thereof ”; . . . . . and also an Act made Irish Act,  
 in the Parliament of Ireland in the twenty-first and twenty-second years of 21 & 22 Geo. 3.  
 the reign of his late Majesty King George the Third, for the improvement of c. 17.  
 the city of Dublin by making wide and convenient passages through the  
 same, and for regulating the coal trade thereof, and any Act or Acts for  
 amending or continuing the same; and also save and except all such Acts and  
 parts of Acts as relate to the maintaining or improving of any harbours, havens,  
 ports, rivers, piers, lighthouses, docks, canals, basins, or warehouses; and also  
 all Acts and parts of Acts which are of a local or personal nature, not being  
 public general Acts, although declared public; and also all Acts and parts of  
 Acts whereby any duties are made applicable to any particular purpose, or for  
 the use or benefit of any particular person or persons, or body or bodies  
 corporate or politic, or of any society or company; . . . . . and  
 also all Acts and parts of Acts relating to the excise, so far only as the pro-  
 visions of any such Acts might and are to be put in force by the commissioners  
 of the excise or their officers in the United Kingdom, or by the commissioners  
 of customs or their officers in Ireland; . . . . . and also an  
 Act passed in the ninth year of the reign of his late Majesty King George the 9 Geo. 4. c. 44.  
 Fourth, intituled “ An Act to provide for the execution throughout the United  
 “ Kingdom of the several laws of excise relating to licences and survey on tea,  
 “ coffee, cocoa, pepper, tobacco, snuff, foreign and colonial spirits and wine,  
 “ notwithstanding the transfer to the customs of the import duties on any of such  
 “ commodities ”; . . . . . and also so much of an Act passed  
 in the first and second year of the reign of his present Majesty King William  
 the Fourth, intituled “ An Act to abolish certain oaths and affirmations taken 1 & 2 Will. 4.  
 “ and made in the customs and excise departments of his Majesty’s revenue, c. 4.  
 “ and to substitute declarations in lieu thereof,” as relates to the department of  
 excise; and also an Act passed in the first and second year of the reign of his



1 & 2 Will. 4.  
c. 18.

present Majesty King William the Fourth, intituled "An Act to repeal an Act of the nineteenth year of King George the Third, for repealing so much of several Acts as prohibit the growth and produce of tobacco in Ireland, and to permit the importation of tobacco of the growth and produce of that kingdom into Great Britain"; . . . . . all which said several Acts and parts of Acts so saved and excepted shall continue in such force and effect as they would have been if this Act had not been passed, except as herein-after excepted.

\* \* \* \* \*

### CHAPTER LXIII.

AN ACT to render valid Indentures of Apprenticeship allowed only by Two Justices acting for the County in which the Parish from which such Apprentices shall be bound, and for the County in which the Parish into which such Apprentices shall be bound, shall be situated; and also for remedying defective Executions of Indentures by Corporations.

[28th August 1833.]

.56 Geo. 3.  
c. 139. s. 2.

WHEREAS by an Act passed in the fifty-sixth year of the reign of his late Majesty King George the Third, intituled "An Act to regulate the binding of parish apprentices," it is amongst other things enacted, that in all cases where the residence or establishment of business of the person or persons to whom any child shall be bound shall be within a different county or jurisdiction of the peace from that within which the place by the officers whereof such child shall be bound shall be situated, and in all other cases where the justices of the peace for the district or place within which the place by the officers whereof such child shall be bound shall be situated, and who shall sign the allowance of the indenture by which such child shall be bound, shall not have jurisdiction, every indenture by which such child shall be bound, at any time after the first day of October therein mentioned, shall be allowed, as well by two justices of the peace for the county or district within which the place by the officers of which such child shall be bound shall be situated, as by two justices of the peace for the county or district within which the place shall be situated wherein such child shall be intended to serve; provided always, that no indenture shall be allowed by any justice of the peace for the county into which such child shall be bound, who shall be engaged in the same business, employment, or manufacture in which the person to whom such child shall be bound is engaged; and notice shall be given to the overseers of the poor of the parish or place in which such child shall be intended to serve an apprenticeship, before any justice of the peace for the county or district within such parish or place shall allow such indenture, and such notice shall be proved before such justice shall sign such indenture, unless one of such overseers shall attend such justice and admit such notice: And whereas, in many instances, petty sessions are held weekly in market towns near adjoining the borders of the county in which such market towns are situate, and the justices holding such petty sessions act as well for the county adjoining as for the county where such petty sessions are held, and transact the business for large districts in both counties at such weekly petty sessions on market days, to the great advantage, con-

venience, and saving of expence to the several parishes and villages whose officers have to attend such petty sessions: And whereas since the passing of the said Act of the fifty-sixth year of the reign of his late Majesty King George the Third numerous indentures of apprenticeship have been allowed by two justices attending and acting at such petty sessions for the county within which the place by the officers whereof such child shall be bound is situated, and by the same two justices acting also as justices for the county within which the place is situated wherein such child shall be intended to serve, such justices conceiving that, as they were acting justices for both counties, they were entitled to allow such indenture accordingly: And whereas doubts have lately arisen whether the allowances of such two justices, although they act as justices for both counties, are valid and effectual, or whether it is not necessary that such indenture should be allowed by four justices, two acting for one county, and two for the other only; and the settlement of the numerous persons who have already served and are now serving under indentures allowed by two justices acting for both counties in manner aforesaid will be set aside, to their manifest injury: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all indentures for the binding of parish apprentices which have been previous to the passing of this Act allowed, and shall hereafter be allowed by two justices of the peace acting as well for the county or district within which the place by the officers of which such child shall be bound shall be situated, as for the county or district within which the place shall be situated wherein such child shall be intended to serve, shall be deemed and taken to be as good, valid, and effectual, to all intents and purposes, as if the same had been allowed by two justices of the peace acting only for the county or district in which the place from which such child shall be bound is situated, and also by two other justices of the peace acting only for the county or district within which the place shall be situated in which such child shall be intended to serve.

Where indentures are to be allowed by justices acting for two different counties they shall be valid if allowed by justices acting for both counties together.

II. AND whereas, by divers Acts of Parliament heretofore made and passed, the directors, guardians, acting guardians, or other officers of incorporated hundreds, parishes, and other districts are by the said Acts of Parliament respectively authorized to bind poor children apprentices in the manner by the said Acts of Parliament respectively prescribed and directed: And whereas the said directors, guardians, acting guardians, and other officers have bound out poor children apprentices by indentures to which the said directors, guardians, acting guardians, and other officers have been, by their description as directors, guardians, acting guardians, or other officers of such incorporated hundreds, parishes, and other districts respectively, made parties of the one part, or to which they have, by their said descriptions respectively, been binding parties, and which indentures have been executed by the said directors, guardians, acting guardians, and other officers, by affixing thereto the seal of the corporation of which they are directors, guardians, acting guardians, and officers respectively, and in no other manner by them: And whereas doubts have been entertained as to the effect and validity of indentures so executed; and it is desirable to remove such doubts: Be it declared and enacted, that

Indentures made under seal of corporations of guardians to be valid.

from and after the passing of this Act in all cases where any indentures for the binding out poor children apprentices have been heretofore or shall be hereafter executed by any directors, guardians, acting guardians, or other officers of any hundreds, parishes, or other districts now incorporated or hereafter to be incorporated under and by virtue of any Act of Parliament, by affixing thereto the seal of the corporation of which they are or shall be directors, guardians, acting guardians, or other officers respectively, such execution of the said indentures respectively shall be deemed and taken to be a good, valid, and effectual execution of the said indentures respectively by the said directors, guardians, acting guardians, or other officers of such incorporated hundreds, parishes, or other districts respectively.

Indentures in cities, &c. shall be allowed by two justices, one acting for the county and the other for the city, &c.

III. AND whereas it is expedient that justices of the peace in every city, borough, or town corporate should have concurrent jurisdiction with county magistrates in apprenticing any child or children within the limits of such city, borough, or town corporate: Be it therefore enacted, that from and after the passing of this Act every indenture for the binding of parish apprentices within any city, borough, or town corporate shall be allowed by two justices of the peace, one of such justices acting for and on behalf of the county, and the other of such justices acting for and on behalf of the city, borough, or town corporate, within the limits of which such child shall be bound.

This Act not to affect decisions already come to.

IV. PROVIDED always, and be it further enacted and declared, that nothing in this Act contained shall be construed to affect or set aside any decision or judgment made or given in any court of judicature respecting any such indentures.

#### CHAPTER LXVII.

AN ACT to amend an Act of the Second Year of His present Majesty, for the Uniformity of Process in Personal Actions in His Majesty's Courts of Law at Westminster.

[28th August 1833.]

\* \* \* \* \*

Feste and return of writs of execution.

II. AND whereas by the existing law, and the practice of the said courts of common law, actions may be brought and issues proceed to trial and final judgment in vacation, notwithstanding the cause of action may have arisen subsequent to the then preceding term, and jury process of writs of execution are now by law tested in term time only: Be it therefore enacted, that . . . . . all writs of execution may be tested on the day which the same are issued, and be made returnable immediately after execution thereof: . . . . .

#### CHAPTER LXVIII.

AN ACT to amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail in Ireland.

[28th August 1833.]

6 Geo. 4. c. 81.  
s. 13.

WHEREAS by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act to repeal the " several duties payable on excise licences in Great Britain and Ireland, and " to impose other duties in lieu thereof, and to amend the law for granting " excise licences," it is amongst other things enacted, that no excise licence shall be granted under or by authority of that Act for the sale of any beer,

cider, or perry by retail, to be drank or consumed in the house or premises of the person or persons applying for such licence, to any person or persons who shall not produce, at the time of applying for such licence, a certificate or authority then in force, to him, her, or them in that behalf granted in due form of law by justices of the peace or magistrates, or other competent persons, for such person or persons applying for such licence to keep a common inn, alehouse, or victualling house; and any licence granted to any other person than aforesaid is declared to be null and void: And whereas the laws for granting such certificate or authority by the justices of the peace and magistrates in Ireland have become confused, doubtful, and complicated, and the requiring the said certificate or authority imposes great difficulties and hardships on persons applying to be so licensed; and it is expedient to amend the said laws, and to authorize the proper officers of excise in Ireland to grant such licences as aforesaid to the same persons and at or for the same houses as shall have been licensed in the year last immediately preceding, without requiring the production of any such certificate or authority: And whereas the laws for regulating the conduct of persons licensed to sell wine, spirits, beer, ale, and cider by retail in Ireland, to be drank or consumed on the premises, have become very numerous and complicated, and it would greatly tend to the public benefit to amend and simplify the same, and for that purpose to collect into one Act the several regulations and provisions thereof: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the tenth day of October one thousand eight hundred and thirty-three it shall and may be lawful for the proper officers of excise in Ireland to grant to the same persons and at and for the same houses as shall have been licensed in the year last immediately preceding, and whose licence shall not have been withdrawn or annulled, upon the production of a certificate signed by six householders of the parish (two of them being residents of the same or next adjoining townland, or street if in a city or town, in which such house is situate,) to the good character of the applicant, and to the peaceable and orderly manner in which said house has been conducted in the past year, a licence or licences for the sale of beer, cider, and spirits, under the provisions of the said recited Act, to sell in Ireland by retail, in any house specified in such licence, beer, cider, and spirits respectively to be consumed in such house, without requiring the production of any certificate or other authority from any justice or justices of the peace, magistrate, or other person or persons whatever, on the persons respectively applying for such licences complying with the conditions of this Act; any thing in any Act or Acts heretofore made or in force at the time of the passing of this Act to the contrary in anywise notwithstanding.

The proper officers of excise shall grant licences to persons licensed in the year preceding, upon production of a certificate of good character, without any authority from justices of the peace, &c.

II. AND in lieu of the provisions now or heretofore in force for regulating applications to justices in order to obtain licences for the sale of beer, cider, or spirits by retail, be it further enacted, that henceforward every person in Ireland who shall not have been duly licensed in the preceding year to sell beer, cider, or spirits to be consumed in the house where sold, and who shall intend to apply for an excise licence, under the provisions of this Act and of the said recited Act, for the sale of beer, cider, or spirits by retail, to be

Notice to be given to two magistrates, the churchwardens, and clerk of the peace, 21 days

before application is made to the sessions, by any person not before licensed, stating particulars of situation, &c., with names of sureties.

Clerk of the peace shall, ten days before sessions, make out a list of applicants and their sureties, and transmit the same to the magistrates.

A day and hour during sessions to be fixed for calling out names of applicants, &c.

Certain persons may object to licences.

Justices shall examine into objections to licences, and adjudicate thereupon.

consumed as aforesaid, shall, twenty-one days at least before the first day of the then next general sessions of the peace to be held for the district within which the house for which such person shall desire to be licensed shall be situate, give or cause to be given to each of the two next resident magistrates, and to each of the churchwardens of the parish or union wherein such house shall be situate, and to the clerk of the peace for the county or county of a city or county of a town in which such house shall be situate, severally and respectively, a notice in writing, signed by such person, stating the intention of such person to make such application, and setting forth the situation and place of such house, as well in respect to the road or highway on or adjacent to which it lies, or otherwise, in a true and particular manner, specifying the town, townland, parish, barony, half barony, and if in a city or town the street, square, lane, or other description of place, together with the number of such house if such house shall have been numbered, and also the place of abode of such person, and the names and places of abode of the persons whom such person requiring such licence proposes as sureties; and such churchwardens shall cause a copy of every such notice to be posted upon the principal and most usual place for posting notices within or for such parish or union; and every such clerk of the peace shall file and keep such notice given to him, and shall, ten days at the least previous to such quarter sessions of the peace, make out a list of the names of all such applicants, with their place of abode, and the situation and description, as contained in such notice, of the house for which such person shall desire to be licensed, and the names and places of abode of the persons proposed as sureties for each such person requiring such licence, and transmit a copy of such list to every magistrate resident within such city or town, and to the clerk of every petty sessions within such county.

III. AND be it further enacted, that upon a certain day and hour during such ensuing quarter sessions, to be fixed by rule of said court, the names of all such applicants, together with their places of abode, shall be severally called aloud, in alphabetical order, in open court, by the officer of said court, and proclamation made of each such application, and demand made whether any one has or knows of any objection to or why such application should not be allowed or licence granted.

IV. AND be it further enacted, that it shall and may be lawful for any justice of the peace of said city, town, or county, churchwarden or other inhabitant of said parish, previously to transmit or then and there to deliver in writing to said clerk of the peace, or orally to state to said justices in sessions assembled, any matter or objection to such application, whether grounded upon the character, misconduct, or unfitness of the applicant, unfitness or inconvenience of the house or place, or number of previously licensed houses in the neighbourhood; and that if any such objection shall be so transmitted or made, an entry thereof shall then be recorded by the clerk of the peace; and the justices in such sessions assembled shall then, or at some other convenient time to be appointed, proceed to consider, examine into, and adjudicate upon the truth, sufficiency, and validity of such objection, and for that purpose to examine on oath such applicant or other person as they may deem fit; and if such justices shall be thereupon satisfied of the truth and sufficiency of such objection, and shall deem it improper to intrust such appli-

cant with a licence for such house, they shall, by order in writing to be duly entered by the clerk of the peace, prohibit such licence to be issued, and therein declare the reason or ground of such prohibition.

V. AND be it further enacted, that upon each application being disposed of by the justices attending at such sessions it shall be lawful for the clerk of the peace or his deputy, and he is hereby required, to give or cause to be given to the person entitled thereto a certificate in the form following:

Clerk of the peace shall deliver certificates to the persons entitled thereto.

‘ I A. B., clerk of the peace of do certify, that C. D. is [or  
‘ C. D. and E. F. are] duly entitled to receive a licence for the sale of beer,  
‘ cider, or spirits [as the case may be] by retail at in the  
‘ parish of [or if extra-parochial, in the townland of ],  
‘ in this county [county of a town or city, as the case may be]. Dated  
‘ this day of

‘ A. B. clerk of the peace for

And every such clerk of the peace shall for the issuing of such certificate be entitled to demand and receive the sum of two shillings and sixpence, and no more, as a fee, before he shall sign or deliver such certificate.

VI. AND be it further enacted, that it shall and may be lawful for the proper officers of excise in Ireland, within their respective districts, to grant, under the provisions of the said recited Act, a licence or licences for the sale of beer, cider, and spirits, to sell in Ireland by retail, in any house specified in such licence, beer, cider, and spirits respectively, to be consumed in such house or elsewhere, to any person, though not licensed the year preceding, whom the justices of the peace for the city, town, county, or district within which such house is situate, in quarter sessions assembled as herein-before provided, shall not deem it improper to intrust with such licence, and to whom they shall not, by order there made, prohibit such licence to be issued, upon the person applying for such licence producing such certificate as aforesaid to such officer of excise, and complying with the other conditions of this Act, and upon the execution by such person and his sureties of the bond herein-after mentioned, such person first paying for such licence or licences the duties of excise for and in respect of such licence or licences, according to the rate and in the manner prescribed by the said recited Act, or any other Act or Acts then in force with respect to such licences.

Licences may be granted to persons not previously licensed, on production of certificate and payment of duty.

VII. AND be it further enacted, that it shall not be lawful for any collector or supervisor of excise to grant or deliver any such licence as aforesaid, unless the person applying for the same shall enter into a bond to his Majesty, his heirs and successors, in the sum of fifty pounds, with two sufficient sureties in the sum of twenty-five pounds each, if such person shall apply for a licence to sell spirits, as well as a licence to sell beer and cider, in any house situate in any part of the county of the city of Dublin or county of Dublin which lies within the circular road, and in the sum of twenty-five pounds, with two sufficient sureties in the sum of ten pounds each, if such person shall apply for a licence to sell spirits in any other part of Ireland, such sureties to be the persons named in the application of the party requiring the licence; and such bond shall be executed by such person and his sureties, and be conditioned for the payment by such person or his sureties, of all penalties or sums of money which shall be incurred or become due for any offence against this Act by the person to whom such licence shall be granted. [Rep., 18 & 19 Vict. c. 103. s. 4.]

Party requiring a licence shall enter into a bond with sureties for payment of penalties.

VIII. AND be it further enacted, that if any person licensed to sell beer, cider, or spirits by retail shall, during the continuance of such licence or licences, be convicted of any misdemeanor, or of any offence of a higher nature, then and in every such case it shall and may be

Magistrates may annul licences held by persons convicted of misdemeanor

or any offence  
of a higher  
nature.

lawful for the justices of the peace within whose jurisdiction such person shall be licensed to sell spirits or beer, assembled at any quarter sessions or adjournment thereof, if they shall so think fit, by order in open court made upon due notice, to annul the licence held by such person; and if any such person whose licence or licences shall be so annulled, and on whom a notice shall have been served of the same being annulled, signed by the said magistrates or any two of them, shall sell by retail any spirits or beer, every such person shall be subject to the same penalties as persons selling beer, cider, or spirits without having obtained a licence for that purpose are by law liable.

Persons li-  
censed to sell  
spirits and beer  
shall be enti-  
tled to a licence  
to sell wine.

IX. AND be it further enacted, that every person licensed under this Act to sell beer, cider, and spirits by retail shall, so long as he shall continue so licensed, be entitled to take out a licence to sell foreign wine by retail in the same house or premises in which he shall be licensed to sell beer, cider, and spirits, without entering into any further or additional bond.

Persons obtain-  
ing licences  
shall enter  
their names, &c.  
with the clerk  
of the peace.

X. AND be it further enacted, that every person who shall obtain a licence to sell spirits, beer, or cider by retail, to be consumed in the house where sold, shall, within six days next after he shall have so obtained such licence, deliver or cause to be delivered to the clerk of the peace for the county, city, or town within which the house specified in such licence shall be situate, a note in writing, under the hand of such person, or under the hand of some person by him authorized in that behalf, in which shall be specified, set forth, and inserted the christian and surname and place of abode of such person, and a description of the house and premises in which spirits, beer, or cider are licensed to be sold by such person, and the place where such house and premises shall be situate, together with the christian name and surname and the occupation or profession and actual residence of each of the persons who shall have become sureties for such licensed person; and such licensed person shall pay or cause to be paid to such clerk of the peace the sum of two shillings and sixpence; and if any person who shall have obtained such licence as aforesaid shall not, within the time and in the manner herein-before directed, deliver or cause to be delivered such note in writing as aforesaid, every such person shall forfeit and lose the sum of ten pounds.

Register of  
licences to be  
kept by the  
clerk of the  
peace.

XI. AND be it further enacted, that a list or register of every licence so to be granted for selling by retail any beer, cider, or perry, or spirits, to be drank or consumed on the premises, specifying the name and place of abode of every person licensed, and of each of his sureties, and the description and situation of the house or place mentioned in such licence, shall be kept at the office of the clerk of the peace for the county, county of a city, or county of a town, as the case may be; which list or register shall at all reasonable times be produced to and shall be open to the inspection and perusal of every magistrate within whose jurisdiction the house or place specified in each licence respectively shall be situate; and any copy of or extract from any such list or register, which shall or may be at any time required by any such magistrate as aforesaid, shall be given to him by such clerk of the peace.

Persons who  
obtain licences  
for the sale of  
spirits within  
the police dis-  
trict of Dublin

XII. AND be it further enacted, that every person who shall obtain or renew under this Act a licence to sell spirits in any house or premises situate within the police district of Dublin metropolis shall, within ten days next after he shall have so obtained or renewed such licence, deliver or cause to be

delivered to the divisional justices of the Castle division of the said police district, or to some clerk at the head office of police of the said district, a note in writing under the hand of such person, or some person by him authorized in that behalf, in which shall be specified, set forth, and contained the christian and surname and place of abode of such person, and the situation and description of the house and premises in which spirits are licensed to be sold by such person, together with the names, description, and residence of the existing sureties for such person under this Act; and such licensed person shall pay or cause to be paid to the receiver of the public offices in the said police district of Dublin metropolis the sum of ten shillings; and all sums so paid to the receiver shall go in aid of the funds of the police district of Dublin metropolis; and if any person who shall have obtained or renewed a licence under this Act to sell beer and spirits within the said police district shall not, within the time and in the manner herein-before directed, deliver or cause to be delivered such note in writing as aforesaid, or shall neglect to pay or cause to be paid the said sum of ten shillings, every such person shall forfeit and lose the sum of two pounds.

shall enter their names, &c. at the head police office, and pay 10s. to receiver of public offices, under a penalty of 2l.

XIII. AND be it further enacted, that no distiller, . . . rectifier or compounder of spirits, bailiff, gaoler, turnkey, constable, sheriff, sub-sheriff, sheriff's officer, peace officer, or keeper of any turnpike gate, nor any person not being a householder, shall be capable of receiving or holding a licence to sell beer, cider, or spirits by retail, to be drank or consumed on the premises.

No distiller, brewer, bailiff, &c. shall hold a licence for the sale of beer, &c.

XIV. AND be it further enacted, that no person selling or licensed to sell beer or cider, spirits or wine, by retail, to be drank or consumed on the premises, shall have or keep his house or other place of sale open for the sale of spirits, wine, or beer, nor shall sell or retail spirits, wine, or beer, nor shall suffer any spirits, wine, or beer to be drank or consumed in or at such house or other place, at any time between the hours of eleven of the clock in the night and seven of the clock in the morning, nor at any time before two of the clock in the afternoon on any Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving; [Rep., Stat. Law Rev. Act, 1874.] . . . . .

Retailers houses shall not be open for the sale of spirits between 11 p.m. and 7 a.m., nor before 2 p.m. on Sundays, &c.

XV. AND be it further enacted, that it shall and may be lawful for any justice of the peace, or for any chief constable, or for any churchwarden or overseer herein-after mentioned, or for any constable authorized for the purpose by any such justice, within the limits of his jurisdiction, to enter into any house or place kept by any person selling or having a licence to sell spirits, wine, or beer by retail, at any time between the hours of eleven of the clock on Saturday night and two of the clock in the afternoon of Sunday, or between the hours of eleven of the clock on any other night and seven of the clock in the morning, and to remove from and put out of such house or place any person who shall be so found within such prohibited hours in such house or place (not being a lodger or inmate of such house or place), and who shall appear to be or to have recently been drinking, tippling, or gaming therein; and that if any such person shall not, when thereto required by such justice of the peace, chief or other constable, churchwarden, or overseer as aforesaid, remove from and quit such house, or shall forcibly resist such justice, constable, churchwarden, or overseer, it shall and may be lawful for any constable, churchwarden, or overseer to apprehend and take into custody any such person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such person so apprehended before any justice of the peace within whose jurisdiction such house or place shall be situate, to be dealt

Justices, constables, &c. may enter into any house in which spirits or beer is sold, and put out persons tippling or gaming at prohibited hours.

Persons not quitting, or resisting justices, &c. may be apprehended, &c.



with according to law; and every such person who shall so neglect or refuse to remove from or quit such house, or shall so forcibly resist such justice, constable, churchwarden, or overseer, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding twenty shillings nor less than five shillings; and if any offender so convicted shall not forthwith pay the sum so forfeited, such offender shall be committed to the house of correction for any time not exceeding one week.

If a soldier  
offends, justice  
shall commu-  
nicate the same  
to the com-  
manding  
officer, &c.

XVI. AND be it enacted, that if any offender convicted in manner aforesaid shall be a soldier on full pay, and attached to any regiment in his Majesty's service stationed or being within the jurisdiction of such justice, a communication of such conviction shall be forthwith made by such justice to the commanding officer of such regiment, and the offender so convicted shall be detained until delivered over to the commanding officer, or his order, to be amenable to military discipline.

Penalty on  
persons selling  
beer, &c. op-  
posing the  
entry of jus-  
tices, &c. 10l.

XVII. AND be it further enacted, that if any person selling or licensed to sell spirits, wine, or beer by retail, or any person aiding or assisting such retailer, shall prevent or endeavour to prevent, by threats or violence or otherwise, any such justice, or chief or other constable, churchwarden, or overseer, in that behalf authorized under this Act, from entering any house or place, or for searching for any such person or persons as aforesaid, or shall assault or otherwise resist any such justice, or chief or other constable, churchwarden, or overseer as aforesaid, every such person so offending shall forfeit and lose a sum not exceeding the sum of ten pounds.

Penalty on  
persons re-  
fusing to admit  
justices, &c.  
2l.

XVIII. AND be it further enacted, that if any person selling or licensed to sell spirits, wine, or beer shall for the space of ten minutes after demand made of entrance delay or neglect to admit any justice, or chief or other constable, churchwarden, or overseer as aforesaid into any house or place of such person, for the purpose of making such search as aforesaid, such person so offending shall forfeit and lose a sum not exceeding the sum of two pounds.

Penalty if  
persons are  
found tippling  
or gaming at  
prohibited  
hours, 2l.

XIX. AND be it further enacted, that every person selling or licensed to sell spirits, wine, or beer by retail, in whose house or place any person shall be found to be or to have been recently drinking, tippling, or gaming at any hour or time at which the sale of spirits or beer is prohibited by this Act, shall upon conviction thereof forfeit and pay the sum of two pounds.

Parishioners  
in vestry may  
appoint over-  
seers of public  
houses, who  
shall have the  
same power as  
peace officers.

XX. AND be it further enacted, that it shall be lawful for the parishioners of the several parishes in Ireland at vestry assembled, once in every year, or oftener if necessary, to appoint such number of persons, not exceeding five, as to them shall seem meet, to be overseers of persons and houses in which spirits or beer shall be sold by retail within every such parish respectively; and every overseer so appointed shall have as full and ample power and authority for carrying the provisions of this Act into execution within such parish as any constable or other peace officer hath or may have by virtue of this Act; and every such overseer shall for the purposes of this Act be and be deemed and taken to be a constable or peace officer. [Rep., Stat. Law Rev. Act, 1874.]

Houses to be  
closed by order  
of justices in  
case of riot.

XXI. AND be it further enacted, that it shall be lawful for any one justice acting for any county, city, or place where any riot or tumult shall happen, or for any two or more justices where any riot or tumult shall be apprehended and expected to take place, to order or direct that every person selling spirits or beer by retail, and keeping any house or place for that purpose, situate within their respective jurisdictions, and in or near the place where such riot or tumult shall happen or be expected to take place, shall close his house or

place at any time and for such length of time as such justice or justices shall order or direct; and every person to whom such order shall be given, and who shall keep open such house or other place in violation of such order, shall forfeit and lose the sum of two pounds.

XXII. AND be it further enacted, that for the recovery of any penalty imposed by this Act (and for the recovery of which no other provision is hereby made) an information may be exhibited by any person whomsoever before any one or more of his Majesty's justices of the peace for the county, city, town, or place wherein the offence shall have been committed or the person or persons committing the same shall be found; and such information shall and may be heard, adjudged, and determined within the district of Dublin metropolis by any two divisional justices in some one of the public offices therein, and in every other part of Ireland by any two or more of his Majesty's justices of the peace for such county, city, town, or place, in petty sessions assembled; and any two or more of such divisional justices or justices of the peace shall and they are hereby authorized and required, upon such information having been so exhibited as aforesaid, and upon the appearance of the person and persons against whom such information shall have been exhibited, or, in default of such appearance, upon proof of the service of such summons on such person or persons as herein-after mentioned, to proceed to the examination of the fact or facts in such information alleged, and to give judgment for any such penalty or penalties which, upon the due examination of one or more credible witness or witnesses upon oath (and which oath the said justices are hereby authorized and empowered to administer), or upon the voluntary confession of the party accused, shall be found to have been incurred, together with the legal costs of the conviction; and such justices respectively shall and they are hereby authorized and required thereupon to award and grant a warrant or warrants under their hands for the due execution of and carrying into effect as herein-after mentioned such judgment.

Penalties may be recovered by information before justices.

XXIII. AND be it further enacted, that . . . . . the justice or justices of the peace before whom any such information shall have been exhibited as aforesaid are hereby respectively authorized and required to summon every person against whom any such information shall have been exhibited to appear and plead to and to attend the hearing of such information at a time and place to be stated in such summons, which summons shall be served upon every such person or persons two days at least before the time appointed in such summons.

Parties to be summoned to appear.

XXIV. AND be it further enacted, that it shall be lawful for such justice or justices of the peace respectively to mitigate any penalty annexed by this Act to the offence for which any information shall have been exhibited before such justice or justices respectively, so as such mitigation shall not in any case reduce such penalty to less than one fourth thereof; and that the cause of such mitigation shall be set forth upon such conviction.

Justices may mitigate penalty.

XXV. AND be it further enacted, that in case any person or persons against whom any information shall have been exhibited under this Act shall feel aggrieved by the judgment given thereon, it shall be lawful for such person or persons, upon giving such notice as herein-after mentioned, to appeal therefrom to the justices assembled at the next general or quarter sessions of the peace, or if there be not one week between the time of the adjudication and the next

Appeal.

Defects of  
form may be  
cured upon  
appeal.

general quarter sessions, then to the general quarter sessions of the peace next after the expiration of such week, to be holden in and for the county, city, town, or place in which such judgment so appealed against shall have been given; and it shall be lawful for the justices of the peace at such general or quarter sessions to hear, adjudge, and finally determine such appeal; and if upon any such appeal any defect in form shall be found in the information, or in any part of the proceedings thereon or relating thereto, or in the record thereof, every such defect of form shall and may thereupon be rectified and amended by order of such justices or the major part of them assembled at such general or quarter sessions, any thing in this or any other Act or Acts of Parliament to the contrary notwithstanding.

No appeal  
allowed unless  
notice thereof  
given.

XXVI. PROVIDED always, and be it enacted, that no such appeal as aforesaid shall be allowed unless the party or parties appellant shall, within forty-eight hours after the giving of the judgment appealed against, give notice in writing of such appeal to the clerk of the justices or sessions from whose judgment such appeal shall be made, and shall lodge such notice at the office or with the clerk of the peace at such general or quarter sessions as aforesaid respectively by and before whom such appeal is to be finally adjudged and determined: Provided also, that nothing herein or in any other Act of Parliament contained shall be deemed or construed to deprive any person or persons who shall feel aggrieved by any conviction, order, or proceeding made or had under this Act, of the writ of certiorari in respect thereof.

Execution  
shall not be  
stayed unless  
the party con-  
victed shall  
give security  
by recogni-  
zance to pro-  
secute appeal.

XXVII. AND be it enacted, that no appeal shall stay or prevent the execution of any warrant or process on any conviction, unless the party convicted shall before the convicting justice or justices enter into a recognizance, with two sufficient sureties, in a sum equal to double the amount of the penalty or penalties in which the said party shall have been convicted, and of the costs awarded, if any; which recognizance shall be conditioned, that the party so appealing shall personally appear at the proper general quarter sessions, and abide the judgment of the court thereupon, and pay such costs, if any, as shall be by the court awarded; which recognizance such justice or justices is and are hereby authorized to require and take of the party convicted entering into such recognizance; and the justice or justices who shall take such recognizances is and are also hereby required to bind the person who shall make the charge on which such judgment shall have been given in a recognizance conditioned that he shall appear at such general or quarter sessions aforesaid, then and there to give evidence against the person so charged, and to in like manner bind any other person who shall have any knowledge of the circumstances of such offence.

Justices at  
quarter ses-  
sions, on ap-  
peal, to rehear  
the merits, &c.,  
and in case of  
different judg-  
ment to have  
the like power  
of mitigating  
as the original  
justices.

Case may be  
stated for the  
opinion of the

XXVIII. AND be it further enacted, that upon every such appeal as aforesaid it shall be lawful for the justices of the peace at the general or quarter sessions to rehear upon oath the merits of the case whereon the original judgment appealed against shall have been given, and to reverse or confirm in the whole or in part the judgment appealed against, or to give such new or different judgment as they in their discretion shall in that behalf think fit; and such justices of the peace at general quarter sessions shall in such new or different judgment have the same power of mitigating as is herein-before by this Act given to justices in judgments given by them: Provided always, that it shall be lawful for such justices of the peace at such general quarter sessions as aforesaid, at

their discretion, to state specially the facts of any case on which such appeal shall be made, for the opinion of his Majesty's Court of King's Bench in Ireland.

Court of King's Bench.

XXIX. AND be it further enacted, that when any such appeal shall be dismissed, or the adjudication appealed against shall be affirmed, or such appeal shall be abandoned, it shall be lawful for the court to which such appeal shall have been made or intended to be made to adjudge and order that the party appealing shall pay to the party in whose favour such adjudication has been made such reasonable costs as shall in the opinion of such court be meet.

Court to adjudge costs in case of dismissal or abandonment of appeal.

XXX. AND be it further enacted, that any person duly and necessarily summoned as a witness to give evidence before any justice or justices, or any court of general or quarter sessions, touching any of the matters aforesaid, either on the part of the complainant or of the person accused, who shall neglect or refuse to appear at the time and place for that purpose appointed, and who shall not make such reasonable excuse for such neglect or refusal as shall be admitted and allowed by such justice or justices, or sessions, or who appearing shall refuse to be examined on oath or affirmation, and give evidence, shall forfeit the sum of two pounds, which sum shall be levied, recovered, and enforced in like manner as any penalty imposed by this Act.

Penalty on witnesses not attending, &c.

XXXI. AND be it further enacted, that where any judgment appealed against under this Act shall be affirmed, such judgment may be enforced and executed by the original convicting justice or justices of the peace respectively in like manner as if there had been no appeal.

Proceedings where judgment is affirmed upon appeal.

XXXII. AND be it further enacted, that where any judgment not appealed from, or any judgment affirmed on appeal, is by this Act required to be enforced and executed by the justice or justices by whom the same shall have been given, it shall be lawful for such justice or justices of the peace, and he or they is and are required hereby, to award and grant a warrant or warrants under his or their hand or hands to any constable or peace officer, authorizing such constable or peace officer to levy the penalty or penalties or sum or sums of money so adjudged upon the goods and chattels of such person or persons so convicted, and either to detain and keep such goods and chattels in the house or place where the same shall have been found, or to remove the same to some convenient place of safety.

Justices shall grant warrants for the levying of penalties or judgments to be enforced by them.

XXXIII. AND be it further enacted, that where any judgment is by this Act required to be awarded, enforced, and executed by the justices of the peace at the general quarter sessions, on appeal or otherwise, it shall be lawful for such justices of the peace at the general quarter sessions, and they are hereby authorized and required, to award and grant a warrant or warrants under their hands, or under the hands of any two justices respectively, to any constable or peace officer, authorizing such constable or peace officer to levy the penalty or penalties or sum or sums of money so adjudged upon the goods and chattels of such person or persons so convicted, and either to detain and keep such goods and chattels in the house or place where the same shall have been found, or to remove the same to some convenient place of safety.

Justices at quarter sessions shall grant warrants for the levying of penalties on judgments to be enforced by them.

XXXIV. AND be it further enacted, that it shall be lawful in any such levy warrant to order and direct therein that the goods and chattels upon which such levy shall be made shall be sold and disposed of so soon as conveniently

In levy warrants, any time not less than six nor exceed-

ing ten days,  
may be ap-  
pointed for sale  
of goods seized.

may be after a certain time to be limited in such warrant for the sale thereof (so as that such time be not less than six days nor more than ten days from the day of seizure), unless the penalty or penalties or sum and sums of money for which such levy shall be made shall, within the time limited for the payment thereof as aforesaid, be paid and satisfied.

Penalty and  
expences to  
be deducted  
from the pro-  
ceeds of sale,  
and the over-  
plus to be  
returned.

XXXV. AND be it further enacted, that it shall be lawful for the constable or peace officer making such levy, and he is hereby empowered and required, to deduct the penalty and penalties or sum and sums of money for which such levy shall be made, and all reasonable charges and expences attending such levy, not exceeding one shilling in the pound on the amount specified in such warrant, out of the money arising by such sale as aforesaid, and to return the overplus, if any, to the proprietor or proprietors of the goods and chattels upon which such levy shall have been made, or to the person legally entitled thereto; and such officer shall, if required, show such warrant to the person upon whose goods and chattels such levy shall be made, and shall suffer such person or persons to take a copy thereof.

A copy of the  
warrant may  
be taken.

Where suffi-  
cient goods  
cannot be  
found, the  
offender may  
be committed.

XXXVI. AND be it further enacted, that for want of sufficient goods and chattels whereon such penalty and penalties or sum and sums of money, with the charges and expences aforesaid, may be levied, and on a return in writing made upon any levy warrant by any constable or peace officer to whom such warrant may have been directed, to the justices by whom such warrant shall have been granted, or to any two or more of the justices of the peace within whose jurisdiction any such warrant shall have been issued, that such constable or peace officer cannot find, within the jurisdiction in which such warrant shall have been issued, any goods and chattels of the person against whom such warrant shall have been granted whereon the same can be levied, or on a return as aforesaid, that part of such penalty and penalties or sum and sums of money, charges, and expences, has been levied or paid, and that the constable or peace officer cannot find any further goods and chattels of the person or persons against whom such warrant shall have been granted beyond the goods and chattels already seized and sold as aforesaid, within the jurisdiction as aforesaid, whereon the residue of such penalty and penalties or sum and sums of money, charges, and expences can be levied, it shall be lawful for such justices to commit such person to the common gaol or to the house of correction of the county or place for which such justices shall then be acting for any term not exceeding one calendar month if the penalty or penalties or sum remaining due on foot thereof shall not be above five pounds, for any term not exceeding two calendar months if the penalty or penalties or the sum remaining due on the foot thereof shall be above five pounds: Provided nevertheless, that whenever such offender shall have been committed to the common gaol or house of correction in consequence of his not having duly paid such penalty or penalties or sum remaining due on foot thereof, if such offender shall pay or cause to be paid to the gaoler or keeper of the gaol or house of correction, or to whomsoever such justice or justices shall have appointed, the penalty or penalties or sum remaining due on foot thereof, at any time previous to the expiration of the time for which such offender shall so have been committed, such offender shall be forthwith discharged.

Offenders shall  
be discharged  
on paying  
penalty to  
gaoler.

Where offend-  
ers make de-  
fault in pay

XXXVII. AND be it further enacted, that in case any person convicted of any offence against this Act shall not pay the penalty and costs awarded by

such conviction, or upon any appeal therefrom, it shall be lawful for the justice or justices in quarter sessions assembled convicting such offender, after the expiration of one calendar month next after such conviction, or order in case of appeal, to summon any surety or sureties named in the bond or recognizance entered into and executed by such person and his surety or sureties at the time of obtaining his licence or making such appeal, to appear before the said justice or justices, and show cause why the penalty mentioned in such bond or recognizance should not be paid by such surety or sureties, or so much thereof as shall be sufficient to pay any penalty or costs so incurred, or to satisfy so much of such penalty or costs as shall remain unpaid; and in case any such surety shall not show any sufficient cause to the contrary, it shall be lawful for such justice or justices to adjudge that such penalty if not paid, or so much thereof as aforesaid, shall be paid by such surety within fourteen days; and in case such penalty, or so much thereof as aforesaid, shall not be paid within fourteen days, it shall be lawful for such justice or justices to issue a warrant and levy the amount of such penalty, or so much thereof as aforesaid, by distress and sale of the goods and chattels of such surety, together with the costs of such distress and sale.

ment of penalties, proceedings may be had against the sureties.

XXXVIII. AND be it further enacted, that no conviction under this Act, nor any adjudication made upon appeal therefrom, shall be quashed for want of form; and no warrant of commitment shall be held void by reason of any mere formal defect therein, provided that it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same.

No conviction shall be quashed for want of form, &c.

\* \* \* \* \*

## CHAPTER LXIX.

AN ACT to extend and enlarge the Powers of the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in relation to the Management and Disposition of the Land Revenue of the Crown in Scotland. [28th August 1833.]

WHEREAS by an Act passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate and amend the laws relating to the management and improvement of his Majesty's woods, forests, parks, and chases, of the land revenue of the crown within the survey of the Exchequer in England, and of the land revenue of the crown in Ireland, and for extending certain provisions relating to the same to the Isles of Man and Alderney," it was enacted, that all the land revenues whatsoever (advowsons of churches and vicarages only excepted) which belonged to his Majesty within the ordering or survey of the Court of Exchequer in England or Wales, in Ireland, in the Isle of Man and its dependencies, and the Isle of Alderney, should be under the management of the commissioners of his Majesty's woods, forests, and land revenues, and of their successors; and the said commissioners were thereby authorized to sell and lease, and otherwise dispose of and manage, the said land revenues to which the Act now in recital relates, as in the said Act is mentioned, and also to purchase, exchange, and take leases of any property under the terms and conditions and as in the said Act is mentioned, and to appoint and

10 Geo. 4.  
c. 50.

1 Will. 4. c. 25.

2 & 3 Will. 4.  
c. 1.2 & 3 Will. 4.  
c. 112.

remove officers and receivers relating to or otherwise employed in the receipt and management of the said revenue, and generally to administer the same as in the said Act is mentioned : And whereas by an Act passed in the first year of the reign of his present Majesty, intituled " An Act for the support of " his Majesty's household, and of the honour and dignity of the crown of the " United Kingdom of Great Britain and Ireland," it was (amongst other things) enacted, that the produce of the hereditary duties and revenues, (except the hereditary duties of excise on beer, ale, and cider,) which were payable to his said late Majesty King George the Fourth in that part of Great Britain called Scotland, and also the small branches of the hereditary revenue and the produce of the hereditary casual revenues arising from any droits of Admiralty or droits of the crown arising in the United Kingdom, which had accrued since the decease of his said late Majesty, and which had not been applied and distributed in the payment of any charge thereupon respectively, or which should accrue during the life of his present Majesty, should be carried to and made part of the consolidated fund of the United Kingdom of Great Britain and Ireland, and after the decease of his present Majesty all the said hereditary revenues, including the duties on beer, ale, and cider, should be payable and paid to his heirs and successors : And whereas by an Act passed in the second year of the reign of his present Majesty, intituled " An Act for uniting the office of the surveyor general of " his Majesty's works and public buildings with the office of the commis- " sioners of his Majesty's woods, forests, and land revenues, and for other " purposes relating to the land revenues," it was enacted, that it should be lawful for his Majesty, his heirs and successors, by letters patent under the great seal, to appoint in the place of the commissioners of his Majesty's woods, forests, and land revenues, and of the surveyor general of his Majesty's works and public buildings, any persons, not exceeding three in number, to be commissioners for performing the duties and exercising the powers then performed and exercisable by the commissioners of his Majesty's woods, forests, and land revenues, and the duties and powers then performed and exercisable by the surveyor general of his Majesty's works and public buildings, and that the persons so first appointed, and their successors, should be called " The " Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, " and Buildings " ; and the said commissioners were by the said Act empowered to exercise and carry into effect all the powers and provisions contained in the said recited Act of the tenth year of the reign of his late Majesty King George the Fourth, either expressly or by reference to any other Acts : And whereas by virtue of an Act passed in the second and third years of the reign of his present Majesty, intituled " An Act to authorize the " hereditary land revenues of the crown in Scotland being placed under the " management of the commissioners of the land revenues," all the revenues, debts, duties, and profits, of what nature or kind soever, appertaining to the King's Majesty, his heirs or successors, within Scotland, and all honors, castles, manors, lands, tenements, and hereditaments in Scotland appertaining to the King's Majesty, his heirs or successors, by virtue of any attainder, outlawry, seizure for any crime or cause of forfeiture, debt, or duty, or upon any extent, commission, or otherwise, or by virtue of the royal prerogative, or by any other right or title whatsoever, and all the rents, issues, and profits

thereof or of any of them, and also all the goods, chattels, debts, credits, rights, titles, and personal estates within Scotland anywise accruing or belonging to the King's Majesty, his heirs or successors, by virtue of the royal prerogative, or of any attainder, outlawry, extent, inquisition, debt, duty, or forfeiture, or by any other right, title, ways, or means whatsoever, and all the remedies and means for recovering the same and the possession thereof, and all accounts relating thereto, and also all forfeitures and penalties which have been incurred, or should be incurred, or become in any ways due and payable in Scotland by virtue of any penal or other laws or statutes whatsoever, and also all fines, issues, forfeitures, and penalties, of what nature or kind soever, happening, arising, or accruing to the King's Majesty, his heirs or successors, within Scotland (except such as are now under the management of the commissioners of his Majesty's customs and excise respectively), are under the management, control, and direction of the commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings in England and Ireland: And whereas it is expedient that the said commissioners should have such and the like powers of selling, leasing, and administering the hereditary possessions of his Majesty in Scotland, and of appointing and removing officers, and of purchasing, exchanging, and taking leases of lands in Scotland, in all respects as is by the said Act passed in the tenth year of the reign of his late Majesty King George the Fourth provided with respect to the land revenue in England, and generally that the several provisions contained in the said Act passed in the tenth year of the reign of his said late Majesty King George the Fourth should be extended to Scotland: . . . . .

II. AND be it further enacted, that the said commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings shall, from and after the passing of this Act, have and exercise all and every the powers and authorities whatsoever with regard to his Majesty's land revenue, lands, tiends, feu retour, and other duties and casualties in Scotland under their management and controul, as are contained in the said Act passed in the tenth year of the reign of his late Majesty King George the Fourth with respect to his Majesty's land revenue in England, and which the said commissioners are now entitled to have and exercise with respect to the land revenue in England, and in all respects as if his Majesty's land revenue, lands, tiends, feu retour, and other duties and casualties in Scotland, had been included and named in the said last-mentioned Act, and the several clauses and provisions therein contained had been made applicable thereto, in the same manner as the same are made applicable to his Majesty's land revenue in England.

III. AND be it further enacted, that all and every the provisions, regulations, directions, clauses, matters, things, powers, and authorities in the said recited Act of the tenth year of the reign of his late Majesty King George the Fourth contained, either expressly or by reference to other Acts, relating to the selling, leasing, exchanging, and general administration of the possessions and land revenues of the crown in England, and all other the powers, provisions, and authorities in and by the said recited Act of the tenth year of the reign of his late Majesty King George the Fourth given to the said commissioners of his Majesty's woods, forests, and land revenues, shall, so far as the same are applicable or can be applied, extend and be construed to extend to this present Act, as fully, amply, and effectually, to all intents and

Commissioners to have the same powers with regard to land revenue in Scotland as with respect to land revenue in England.

All the provisions of 10 Geo. 4. c. 50. as to selling, leasing, &c. the land revenues; and all the powers, &c. thereby given to the commissioners, shall extend to this Act.



purposes whatsoever, as if the same provisions, regulations, directions, clauses, matters, things, powers, and authorities were particularly repeated and re-enacted in this present Act, and made applicable to the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings, or as if the said possessions and land revenues of the crown in Scotland had been included in the said recited Act of the tenth year of the reign of his said late Majesty, and the aforesaid powers and provisions had been thereby made applicable to the possessions and land revenues of the crown in Scotland; (except that in all cases in which the sanction of the Court of Exchequer in England is by the said recited Act of the tenth year of the reign of his late Majesty King George the Fourth made necessary, the sanction and authority of the Court of Session in Scotland shall be sufficient with respect to the said possessions and land revenues of the crown in Scotland; and except that all deeds, conveyances, or other documents relating to any sale, feu, exchange, lease, or purchase under the authority of this Act, need not be inrolled in such manner as is directed by the said Act of the tenth year of the reign of his late Majesty King George the Fourth with respect to the instruments whereby any hereditaments in England should be sold under the authority of the said Act).

Purchase  
money, how to  
be paid;

where the sum  
amounts to  
100l.;

where the  
sum is under  
100l.

Upon pro-  
duction of re-  
ceipt, &c. com-  
missioners to  
execute a con-

IV. AND be it further enacted, that whenever the commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings shall have contracted or agreed with any person, body politic, corporate, or collegiate, under the authority of this Act, for the sale, feuing, letting, exchanging, or otherwise disposing to him or them of any part of the lands or other property or subjects of the crown to which this Act relates (not being any subsisting lease which may have been purchased or taken under the powers of this Act), the purchaser, in case the purchase money shall amount to the sum of one hundred pounds, shall cause the same to be paid into the Bank of England, or any chartered bank in Scotland, or branch of the same throughout Scotland, as the said commissioners may direct; and the secretary, cashier, or other proper officer of the Bank of England, or such chartered bank or branch thereof, shall, upon the production of any note signed by the said commissioners, specifying the sum to be so paid, and that it is to be so paid to their account, accept and receive the same, and carry the same to the account of the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings, and give a receipt for the same without fee or reward; but if such purchase money shall not amount to the sum of one hundred pounds, it shall not be necessary for the purchaser to pay the same into the Bank of England, or such chartered bank or branch thereof, but he or they may, at his or their option, either pay the same into the Bank of England, or any such chartered bank or branch thereof, as the said commissioners may direct (in which case the secretary, cashier, or other proper officer of the said Bank of England, or any such chartered bank or branch thereof, shall accept and give a receipt for the same as aforesaid), or to the said commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings, or their collector or agent to be appointed by them for that purpose; and the said commissioners shall, on the production of the receipt of the secretary, cashier, or other proper officer of the Bank of England, or such chartered bank or branch thereof, for such purchase money, or in case the same shall not

amount to one hundred pounds, then either on the production of such receipt, or on the payment to them, their collector or agent, of such purchase money, execute to the purchaser a conveyance, either printed or written, or partly printed and partly written, under their hands, of the lands or other property or subjects agreed to be sold or exchanged, and give a receipt for the purchase money under their hands; and every such conveyance and receipt may be according to the form set forth in the schedule to this Act annexed, or in any other form which may be deemed by the said commissioners more convenient; and every such conveyance and receipt shall be attested, as to the execution and signing thereof, by two witnesses; and it is hereby declared, that any deed, grant, or conveyance so made and granted of the lands, teinds, feu retour, and other duties, casualties, rents, and other the heritable property of the crown in Scotland, by the said commissioners, on being recorded or registered in the general or particular register of sasines, shall be held to alienate and dispoise from his Majesty, his heirs and successors, the property or other subjects therein expressed to be comprised, in as valid a manner as if a complete feudal right holding of and under his Majesty, his heirs and successors, had been granted, or as if the same had been constituted by a formal crown charter, and followed by sasine.

veyance of the property sold.

Conveyance when recorded in the register of sasines to be held to alienate the property from his Majesty.

V. AND be it further enacted, that it shall and may be lawful for the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings, on the sale of any teind, feu retour, or other duties, casualties, or rents, if such sale shall be made to the vassal in the feu, to grant a receipt for the purchase money or other consideration agreed to be given for the same, and which receipt shall also contain a declaration that on the next renewal of the investiture in favour of the vassal, or of his heirs or disponees, the charter, precept, or other deed to be granted by or on behalf of the crown shall contain a blench holding in lieu and place of the feu or other holding or duty in the original rights or investitures; and such receipt and declaration, delivered to the vassal so purchasing, on payment of the purchase money, shall be a sufficient renunciation and voucher to him or her, or his or her heirs and successors, until the renewal of such investiture, and shall be a sufficient warrant to the barons of the Court of Exchequer in Scotland, and all others, when a renewal of the investiture shall be required, to grant such renewed investiture with a blench holding.

On sale of teinds, &c. to the vassal, receipt for purchase money shall contain a declaration that on the next renewal of investiture the charter shall contain a blench holding in lieu of the feu, &c.

VI. AND be it further enacted, that it shall and may be lawful for the proprietors of entailed estates in Scotland, and for their trustees, and the tutors, curators, and administrators in law of such proprietors, to purchase the teind, feu retour, and other duties, casualties, rents, and all other the land revenues due to and exigible by the crown, and affecting such estates, and which the said commissioners are hereby authorized to sell and dispose of, and either to disburden their estates from the payment of such teind, feu retour, or other duty, casualty, or rent, or to make the purchase money of the same a debt and burden on such entailed estate, in like manner as the sum paid for redemption of the land tax is made a burden on entailed property in terms of an Act passed in the forty-second year of the reign of his late Majesty King George the Third, intituled "An Act for consolidating the provisions of the " several Acts passed for the redemption and sale of the land tax into one

Proprietors, &c. of entailed estates may purchase the teinds, &c. affecting the same.

42 Geo. 3. c. 116.

" Act, and for making further provision for the redemption and sale thereof,  
 " and for removing doubts respecting the right of persons claiming to vote at  
 " elections for knights of the shire and other members to serve in Parliament,  
 " in respect of messuages, lands, or tenements, the land tax upon which shall  
 " have been redeemed or purchased," or of any other Act or Acts of Parliament  
 in relation thereto now in force.

Commissioners  
 to cause dupli-  
 cates of all  
 conveyances,  
 deeds, &c. to  
 be registered  
 and preserved  
 in the Chan-  
 cery of Scot-  
 land; and a  
 minute or  
 docket of  
 every convey-  
 ance, &c. to  
 be entered and  
 preserved in  
 their office.

VII. PROVIDED always, and be it further enacted, that the said commis-  
 sioners for the time being of his Majesty's woods, forests, land revenues,  
 works, and buildings shall cause duplicates of all conveyances, deeds, and  
 documents, whereby any lands or other property or subjects in Scotland shall  
 be hereafter purchased or taken in exchange by them for or on behalf of  
 his Majesty, his heirs or successors, under the authority of this Act, or  
 which shall be conveyed or leased to his Majesty, his heirs or successors,  
 or to any person in trust for him or them, and of all leases to be made or  
 granted by the said commissioners under the authority of this Act of any  
 lands or other heritable property or subjects of the crown in Scotland, and of  
 all conveyances, deeds, and documents, whereby any part of the lands or other  
 property or subjects of the crown in Scotland shall be granted, sold, ex-  
 changed, or conveyed under the powers of this Act, to be transmitted to the  
 office of Chancery of Scotland, there to be recorded or registered; and every  
 such duplicate shall be there preserved and recorded among the other records  
 and muniments relating to the lands or other property or subjects of the crown  
 preserved in such office; and a minute or docket of every such conveyance,  
 deed, or document shall be entered and preserved by the said commissioners  
 of his Majesty's woods, forests, land revenues, works, and buildings, in their  
 office.

Original con-  
 veyance, &c.  
 or duplicate  
 thereof, or  
 copy or extract  
 thereof duly  
 attested, to be  
 in all courts  
 evidence of  
 right and title.

VIII. AND be it further enacted, that not only the original conveyance,  
 deed, or other document by which any lands or other heritable property or  
 subjects to which this Act relates shall be disposed of under the provisions  
 of this Act, but also the duplicate thereof, to be so transmitted as aforesaid,  
 or a copy or extract of such duplicate, attested by the officer for the time  
 being in whose custody the same shall remain, (and which copies the said  
 officer is hereby authorized and required to grant to any person applying for  
 the same, on payment of a fee of one shilling for every such copy, and if the  
 same shall consist of more than seventy-two words, then of a further fee of  
 one shilling for every seventy-two words over the first seventy-two words,) shall  
 be admitted in all courts as evidence of the right and title of the pur-  
 chasers, grantees, lessees, and all persons claiming under them, to the subjects  
 to which such conveyances, deeds, or other documents shall relate.

Every con-  
 veyance, &c.  
 recorded in  
 Chancery in  
 Scotland to be  
 of like force as  
 if registered in  
 books of coun-  
 cil and session  
 or register of  
 sasines.

IX. AND be it further enacted, that every conveyance, deed, or other  
 document whereby any lands or other heritable property or subjects to which  
 this Act relates, or any term of years or interest therein, shall be conveyed  
 or leased to his Majesty, his heirs or successors, or to a trustee or trustees  
 for his Majesty, his heirs or successors, under the authority of this Act, shall,  
 without any other inrolment or registration thereof than in the office of  
 Chancery in Scotland as aforesaid, be of the like force in favour of his  
 Majesty, his heirs and successors, as if the same had been or was inrolled or  
 registered in the books of council and session, or in the general or special

register of sasines in the county, shire, or stewartry within which the lands or other heritable property or subjects shall be situate.

X. PROVIDED always, and be it further enacted, that a note or memorandum of every such conveyance, deed, or other document, setting forth the date thereof, the names of the disponer or granter and disponee or grantee, and the leading names of the lands or heritages, and of the county or counties wherein the same are situated, shall, within fourteen days after the execution thereof, or as soon thereafter as possible, be entered by the grantee in the minute book of the register of sasines at Edinburgh, of the date on which such note or memorandum is presented, and also upon the margin of the entry in the register of sasines, general or particular, of the last instrument of sasine in the property of the lands or heritages alienated, recorded in such register; and such entries shall be so made without fee or reward payable therefor.

A memorandum of every conveyance, &c. setting forth the several particulars, to be entered in the minute book of the register of sasines, &c. within 14 days after execution thereof.

XI. AND be it further enacted, that all sums to be received under the authority of this Act, for or in respect of any sales, or for equality of exchange on any exchange of any of the said lands or other property or subjects to which this Act relates, shall be applied in the payment of the purchase monies on the purchase of any lands or other property or subjects under the authority of this Act, or in the purchase of any lease of any part of the lands and other property or subjects of the crown which may be bought in under the authority of this Act, and in payment of the monies to be paid for equality of exchange on any exchange to be made under the authority of this Act, and of the expences of the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings in or relating to such purchases and exchanges, and in the payment of the monies to be paid for the redemption or purchase of any land tax which may be redeemed or purchased by the said commissioners, and of the expences of the said commissioners in or relating to such purchase or redemption, and in the discharge of any incumbrances or burthens which now or hereafter are or may be charged upon or affect any of the said lands or other property and subjects of the crown to which this Act relates.

Application of purchase monies.

XII. AND be it further enacted, that it shall be lawful for the said commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings to cause any sums which shall be received for or in respect of any sales or exchanges of any of the lands or other property or subjects of the crown to which this Act relates, and which may not be immediately wanted for the purposes to which the same are hereby made applicable, to be laid out in the meantime in the purchase of three pounds per centum consolidated bank annuities, or three pounds per centum reduced bank annuities, in the name of the lord high treasurer, or of the commissioners of his Majesty's Treasury, in which name the governor and company of the Bank of England are hereby authorized and required to permit transfers to be made of the annuities to be so purchased, and such transfers shall be accepted by the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings in the name and on behalf of the said lord high treasurer, or the said commissioners of his Majesty's Treasury.

Sums not immediately wanted, to be invested in the public funds.

XIII. And be it further enacted, that the amount of the dividends of the stocks and annuities to be purchased as last aforesaid shall from time to time,

Dividends of stocks and annuities to be

placed by Bank of England to credit of the commissioners, and to be applied by them as income of crown lands in Scotland.

as the said dividends shall become due, be placed by the governor and company of the Bank of England to the credit of the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings in their account with the Bank; and so much of the dividends as shall have become due in respect of stocks purchased with moneys which shall have arisen from the sale or exchange of any of the lands or other property and subjects of the crown to which this Act relates shall be applied and disposed of by the said commissioners in the same manner and for the same purposes as and considered in all respects as part of the annual income of the lands and other property and subjects of the crown in Scotland.

Commissioners of Treasury may sell out all or any such stocks or annuities when expedient, &c.

XIV. AND be it further enacted, that when and so often as it shall be necessary or expedient to raise by sale of any of the stocks or annuities so to be purchased as aforesaid any sum of money for the purposes to which monies to be received under the authority of this Act from sales or exchanges of any of the lands and other property and subjects of the crown are hereby respectively made applicable, it shall be lawful for the lord high treasurer, or the commissioners of his Majesty's Treasury for the time being, to sell out all or any part of the said stocks or annuities; and the sums raised by the sale of the said stocks and annuities shall be paid into the Bank of England, and be placed to the credit of the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings, to be applied and disposed of by the said commissioners in the same manner and for the same purposes as and considered in all respects as part of the sums to be received under the authority of this Act for or in respect of any sales or exchanges of any of the lands and other property and subjects of the crown in Scotland.

Transfer of stocks sold.

XV. AND be it further enacted, that all sums of stock which shall be sold by the said lord high treasurer or the commissioners of his Majesty's Treasury under the provisions herein-before contained, may be transferred by any person to be appointed by him or them for that purpose by any letter of attorney under the hand and seal of the said lord high treasurer, or under the hands and seals of any three of the said commissioners for the time being, and attested by two or more credible witnesses; and the said governor and company of the Bank of England shall and they are hereby authorized and required to permit all such transfers to be so made.

Application of the annual income of the lands to which this Act relates, &c.

XVI. AND be it further enacted, that the annual income of all the said lands and other property and subjects of the crown to which this Act relates, and all sums received in respect of feus, leases, or otherwise, for or in respect of the said lands and other property and subjects (except from sales or exchanges), shall be applied in manner following; (that is to say,) in the first place, in payment of the costs, charges, and expences attending the management of the said lands and other property and subjects of the crown; in the next place, in payment and discharge of any annual sum or sums of money or any pensions already lawfully charged or to be charged thereon respectively, and in the payment of any other principal sum and the interest of any principal sum or sums of money already or which may be hereafter lawfully charged upon the said lands and other property and subjects; and, subject to the applications aforesaid, the said annual income shall, during the life of his present Majesty, be carried to and made part of the consolidated fund of the United Kingdom of Great Britain and Ireland, and from and after the demise

Annual income, subject as aforesaid, to be carried to and made part of consolidated fund during his Majesty's life.

of his present Majesty (whom God long preserve) shall be payable and paid to the King's Majesty, his heirs and successors.

XVII. AND be it further enacted, that the said commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings may, so long as they shall find it necessary so to do, keep an account with any of the chartered banks in Scotland; and the said commissioners, observing the rules and regulations hereby or by the said Act passed in the tenth year of his late Majesty King George the Fourth prescribed, shall not be answerable, either collectively or individually, for any money which they the said commissioners shall have paid into the said banks, or any of them, or any branch thereof.

Commissioners may keep accounts with any of the chartered banks of Scotland.

\* \* \* \* \*

XIX. AND whereas certain retour duties, casualties, and other duties and rents pertaining to the land revenues of the crown and prince and steward of Scotland, have hitherto been received by the officers of the courts of justice, or by the sheriffs of the counties, shires, or stewartries of Scotland respectively, and it will be most convenient that the same should be collected and received by the agents or collectors thereof appointed or to be appointed under the provisions of this Act: Be it therefore further enacted, that when and so soon as such agents or collectors shall be appointed, such retour duties, casualties, and other duties and rents, pertaining to the land revenues of the crown and prince and steward of Scotland, shall no longer be collected by the officers of the courts of justice, or by the sheriffs or other officers who have heretofore collected and received them, but shall be collected and received by the collectors to be for that purpose appointed; and such collectors shall be entitled to demand and receive the same fees which the said officers of the courts of justice, sheriffs, or other officers have heretofore been entitled to demand and receive upon the payment of any of the said retour duties, casualties, or other duties or rents respectively.

Retour duties, &c. shall no longer be received by officers of courts of justice, &c., but by collectors especially appointed, who shall be entitled to the fees heretofore paid.

XX. AND be it further enacted, that all the powers and provisions in this Act contained shall extend, and be held and construed to extend, to the lands, revenues, and other property and subjects of the prince and steward of Scotland; the annual income thereof, or the monies to arise by the sale or other disposition thereof, to be applied and appropriated by the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings to and for such purposes and in such manner as the same are now by law applicable.

This Act shall extend to the lands, &c. of the prince and steward of Scotland; the income whereof shall be applied as at present.

XXI. PROVIDED always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to abridge or interfere with any rights of his Majesty, his heirs or successors, or of the lord high treasurer or the commissioners of his Majesty's Treasury, or the chancellor of the Exchequer, for the time being, or any grantee of the crown, in respect of any appointment lawfully made by his Majesty or the said lord high treasurer or commissioners, or the chancellor of the Exchequer, or such grantee, previously to the passing of this Act.

Saving of rights.

XXII. AND be it further enacted, that it shall and may be lawful for the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings to sue and be sued in any court of law in Scotland in the name of

Commissioners may sue and be sued in the name of the lord advocate.

Service of  
process.

his Majesty's lord advocate of Scotland for the time being; and it is hereby declared, that service of any legal proceedings upon the said lord advocate, and an intimation of such service to the said commissioners by letter addressed to the first commissioner of woods, forests, land revenues, works, and buildings, London, and put into the General Post Office, shall be deemed and held to be sufficient service on the said commissioners, any law or practice to the contrary notwithstanding.

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SCHEDULE to which this Act refers.

FORM of CONVEYANCE on SALES by the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

To all and sundry to whose knowledge these presents shall come : Know ye, that we whose names are inserted in the testing clause of these presents, two of the commissioners of his Majesty's woods, forests, land revenues, works, and buildings, on behalf of his Majesty, and under the authority of an Act passed [here insert the title of this Act], in consideration of the sum of paid by E.F. [here describe mode of payment], have sold, alienated, and in feu farm disposed, as we by these presents, on behalf of his Majesty, sell, alienate, and in feu farm dispo, from his Majesty, his heirs and successors, to and in favour of the said E.F., his heirs and assignees whomsoever, heritably and irredeemably, all and whole the lands of [here describe the lands or other subjects sold], [if teinds are sold without lands, here omit description of lands, and insert] all and whole the teinds, parsonage, and vicarage of the lands of pertaining to [here insert name of owner], lying in the parish of and sheriffdom of , with all burdens imposed or to be imposed thereon, lying within the parish of and shire of , [and if the teinds, mills, and fishings be also purchased with the lands, add] together with the whole tiends, both great and small, as well parsonage as vicarage thereof, with the mill of , with the multures, sequels, and others thereto pertaining, and with the right of salmon-fishing in the river , so far as the said river runs through or is bounded by the said lands [here insert any burdens, conditions, or reservations stipulated], to be holden and to hold the whole lands [if tiends only are conveyed, insert "tiends"] and others above specified by the said E.F. and his foresaids, of his Majesty, his heirs and successors, superiors of the same, in free blench farm, fee, and heritage for ever, giving therefor yearly a penny scots money at Whitsunday yearly, if asked only in name of blench farm. In witness whereof we and , two of the commissioners foresaid, have hereunto set our hands this day eighteen hundred .

I.K. witness.

A.B.

G.H. witness.

C.D.

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## FORM of RECEIPT and DECLARATION.

RECEIVED by us, two of the commissioners of his Majesty's woods, forests, land revenues, works, and buildings, on behalf of his Majesty, from E.F. the sum of \_\_\_\_\_, being the consideration money paid by him for the feu duty [or any other duty specified] payable to his Majesty for and furth of the lands of \_\_\_\_\_ pertaining to the said E.F.; of which feu duty [or other duty] the said E.F., his heirs and assigns, are hereby for ever discharged: Hereby declaring, that in any renewal of the investiture of the said lands on behalf of his Majesty, this shall be a sufficient warrant to the barons of the Court of Exchequer in Scotland, and all others, to grant such renewed investiture in the form of a blench holding.

Witness our hands this

day of

I.K. witness.

A.B.

G.H. witness.

C.D.

## CHAPTER LXX.

AN ACT to alter and amend an Act of the Forty-first Year of His Majesty King George the Third, for the better Regulation of Public Notaries in England. [28th August 1833.]

**W**HEREAS by an Act passed in the forty-first year of the reign of his late Majesty King George the Third, intituled "An Act for the better regulation of public notaries in England," it is enacted, that after the first day of August one thousand eight hundred and one no person shall be sworn, admitted, and inrolled as a public notary, unless such person shall have been bound by contract in writing or by indenture of apprenticeship to serve as a clerk or apprentice for the term of not less than seven years to a public notary, or a person using the art and mystery of a scrivener (according to the privilege and custom of the city of London, such scrivener being also a public notary,) duly sworn, admitted, and inrolled, and shall have continued in such service for the said term of seven years; and certain other enactments are contained in the said Act, regulating the admission and practice of notaries public: And whereas the provisions of the said Act are in their operation found to be extremely inconvenient in some places distant from the city of London: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act so much of the said recited Act as requires that persons to be admitted notaries public shall have served a clerkship or apprenticeship for seven years, as herein-before mentioned, shall, so far as the same affects persons being attornies, solicitors, or proctors admitted as herein-after mentioned, be limited and confined to the city of London and liberties of Westminster, the borough of Southwark, and the circuit of ten miles from the Royal Exchange in the said city of London.

Recital of  
41 Geo. 3.  
(U.K.) c. 79.

Certain provisions of  
recited Act  
limited to  
London and  
ten miles  
thereof.

II. AND be it further enacted, that from and after the passing of this Act it shall and may be lawful for the master of the court of faculties of his grace

Attornies, &c.  
may be ad-  
mitted as no-



aries for districts beyond those limits.

the lord archbishop of Canterbury in London from time to time, upon being satisfied as well of the fitness of the person as of the expediency of the appointment, to appoint, admit, and cause to be sworn and inrolled in the said court of faculties any person or persons residing at any place distant more than ten miles from the Royal Exchange in the said city of London, who shall have been previously admitted, sworn, and inrolled an attorney or solicitor in any of the courts at Westminster, or who shall be a proctor practising in any ecclesiastical court, to be a notary public or notaries public to practise within any district in which it shall have been made to appear to the said master of the court of faculties that there is not (or shall not hereafter be) a sufficient number of such notaries public admitted or to be admitted under the provisions of the said recited Act for the due convenience and accommodation of such district, as the said master of the court of faculties shall think fit, and not elsewhere; any law or usage to the contrary notwithstanding.

Proviso against notaries so admitted acting in London or within ten miles thereof.

III. PROVIDED always, and be it further enacted, that nothing herein contained shall extend to authorize any notary who shall be admitted by virtue of this Act to practise as a notary, or to perform or certify any notarial act whatsoever, within the said city of London, the liberties of Westminster, the borough of Southwark, or within the circuit of ten miles from the Royal Exchange in the said city of London.

Notaries so admitted practising out of their district shall be struck off the roll of faculties.

IV. PROVIDED always, and be it further enacted, that if any notary admitted by virtue of this Act shall practise as a notary, or perform or certify any notarial act whatsoever, out of the district specified and limited in and by the faculty to be granted to him by virtue of this Act, or within the city of London, the liberties of Westminster, the borough of Southwark, or the circuit of ten miles from the Royal Exchange in London aforesaid, then and in every such case it shall be lawful for the said court of faculties, on complaint made in a summary way, and duly verified on oath, to cause every such notary so offending to be struck off the roll of faculties; and every person so struck off shall thenceforth for ever after be wholly disabled from practising as a notary or performing or certifying any notarial act whatsoever, any thing herein contained to the contrary notwithstanding.

## CHAPTER LXXI.

AN ACT for the Appointment of convenient Places for the holding of Assizes in England and Wales. [28th August 1833.]

6 Ric. 2. st. 1. c. 5.

11 Ric. 2. c. 11.

**W**HEREAS by a statute made in the sixth year of the reign of King Richard the Second it was ordained that the justices assigned to take assizes and deliver the gaols should hold their sessions in the principal and chief towns of every of the counties where the shire courts of the same counties should be holden: And whereas by a statute made in the eleventh year of the same reign, reciting so much of the said statute of the sixth year as is herein-before recited, and stating that the said statute was in part prejudicial and grievous to the people of divers counties in England, it was pro-

vided that the chancellor of England for the time being should have power thereof to make and provide remedy, by advice of the justices, from time to time when need should be, notwithstanding the said statute: And whereas the places at which the assizes are now held in various counties of England and Wales are inconvenient to the inhabitants thereof, and it would conduce to the more cheap, speedy, and effectual administration of justice to appoint other places instead thereof for the holding of assizes; but doubts may be entertained whether that object can be fully effected by virtue of the statutes herein-before referred to: . . . . .

II. AND be it declared and enacted, that his Majesty, by and with the advice of his most honourable privy council, shall have power from time to time to order and direct at what place or places in any county in England or Wales the assizes and sessions under the commissions of gaol delivery, and other commissions for the dispatch of civil and criminal business, shall be holden, and to order and direct such assizes and sessions for the dispatch of criminal and civil business to be holden at more than one place in the same county on the same circuit, and to order and direct the assizes and sessions under such commissions for the dispatch of criminal business to be holden for the whole county at one place, and for the dispatch of civil business at one or more place or places in such county, on the same circuit; and further to order and direct any special commissions of oyer and terminer and gaol delivery to be holden at any one or more places in any such county.

His Majesty in council may direct at what places in any county assizes and sessions of gaol delivery shall be held, and that they may be holden in more than one place in a county on the same circuit.

III. AND be it enacted, that in case his Majesty, by and with the advice of his most honourable privy council, shall think fit to order and direct that the assizes or any such special commissions shall be holden at more than one place in any one county, it shall be lawful for his Majesty, by and with the advice aforesaid, to divide any such county for the purposes of this Act; and to make rules and regulations touching the venue in all cases, civil and criminal, then pending or thereafter to be pending and to be tried within any division of such county so to be made as aforesaid; and touching the liability and attendance of jurors, whether grand jurors, special jurors, or common jurors, at the assizes and sessions as aforesaid, or at any sessions under any special commissions to be holden within any such division; and touching the use of any house of correction or prison as a common gaol, and the government and keeping thereof; and touching the alterations of any commissions, writs, precepts, or other proceedings whatsoever for carrying into effect the purposes of this Act; and touching any other matters that may be requisite for carrying into effect the purposes of this Act; and all such rules and regulations shall be of the like force and effect as if the same had been made by the authority of Parliament, and shall be notified in the London Gazette, or in such other manner as his Majesty, by and with the advice of his most honourable privy council, shall think fit to direct.

His Majesty may divide counties, &c. for the purpose of holding assizes in different divisions of the same county.

IV. AND be it further enacted, that his Majesty shall have power from time to time, for the purpose of carrying this Act into effect, to order and direct that the Court of Common Pleas at Lancaster shall be holden at any one or more places in the county palatine of Lancaster, as he shall think fit, and to divide the said county palatine for the purpose of the trial of civil causes and the transaction of other civil business in the said court, and to make the like

His Majesty may direct the Court of Common Pleas at Lancaster to be holden at any one or more places in the

county, and  
may divide the  
county for that  
purpose.

rules and regulations touching the venue in civil cases to be tried within any division of the said county, and the liability and attendance of jurors, whether special or common, at the court to be held within any such division, and touching the alterations of commissions, writs, precepts, or other proceedings for carrying into effect the purposes of this Act, and touching any other matter that may be requisite for carrying into effect the purposes of this Act; and all such rules and regulations shall be of the like force and effect as if the same had been made by the authority of Parliament, and shall be notified in the London Gazette, or in such other manner as his Majesty shall think fit.

## CHAPTER LXXIII.

AN ACT for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves.

[28th August 1833.]

**W**HEREAS divers persons are holden in slavery within divers of his Majesty's colonies, and it is just and expedient that all such persons should be manumitted and set free, . . . . .

\* \* \* \* \*

After 1st  
August 1834,  
all slaves in  
the British co-  
lonies shall be  
emancipated,  
and slavery  
shall be abo-  
lished through-  
out the British  
possessions  
abroad.

XII. AND be it further enacted, that . . . . . all and every the persons who on the said first day of August one thousand eight hundred and thirty-four shall be holden in slavery within any such British colony as aforesaid, shall upon and from and after the said first day of August one thousand eight hundred and thirty-four become and be to all intents and purposes free and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted; and that [Rep., Stat. Law Rev. Act, 1874.] the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth; and that from and after the said first day of August one thousand eight hundred and thirty-four slavery shall be and is hereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations, and possessions abroad.

\* \* \* \* \*

LXI. AND whereas in some of the colonies aforesaid a certain statute, made in the thirteenth and fourteenth years of King Charles the Second, intituled "An Act for preventing the mischiefs and dangers that may arise by certain persons called Quakers and others refusing to take lawful oaths"; and a certain other statute made in the seventeenth year of King Charles the Second, intituled "An Act for restraining nonconformists from inhabiting in corporations"; and a certain other statute, made in the twenty-second year of King Charles the Second, intituled "An Act to prevent and suppress seditious conventicles"; and a certain other statute, made in the first and second year of King William and Queen Mary, intituled "An Act for exempting their Majesties protestant subjects dissenting from the Church of England from the penalties of certain laws"; and a certain other statute, made in the tenth year of Queen Anne, intituled "An Act for preserving the protestant religion by better securing the Church of England as by law established, and for confirming the toleration granted to protestant dissenters by an Act

Recital of  
14 Cha. 2. c. 1.

17 Cha. 2. c. 2.

22 Cha. 2. c. 1.

1 Will. & Mar.  
c. 18.

10 Ann. c. 6.

" intituled ' An Act for exempting their Majesties protestant subjects dissent-  
 " ' ing from the Church of England from the penalties of certain laws,' and  
 " for supplying the defects thereof, and for the further securing the protestant  
 " succession by requiring the practicers of the law in North Briton to take  
 " the oaths and subscribe the declaration therein mentioned"; or some or  
 one of those statutes, or some parts thereof or of some of them, have and hath  
 been adopted, and are or is in force: Be it further enacted, that in such of  
 the colonies aforesaid in which the said several statutes or any of them, or  
 any parts thereof or any of them, have or hath been adopted and are or is in  
 force, a certain statute made in the fifty-second year of his late Majesty King  
 George the Third, intituled " An Act to repeal certain Acts and amend other  
 " Acts relating to religious worship and assemblies, and persons teaching or  
 " preaching therein," shall be and is hereby declared to be in force as fully  
 and effectually as if such colonies had been expressly named and enumerated  
 for that purpose in such last-recited statute: . . . . .

52 Geo. 3.  
 c. 155. shall  
 extend to  
 colonies in  
 which any of  
 the recited  
 Acts are in  
 force.

\* \* \* \* \*

LXIV. AND be it further enacted, that nothing in this Act contained doth  
 or shall extend to any of the territories in the possession of the East India  
 Company, or to the island of Ceylon, or to the island of Saint Helena.

This Act not  
 to extend to  
 East Indies,  
 &c.

\* \* \* \* \*

LXVI. AND be it further enacted and declared, that within the meaning  
 and for the purposes of this Act all islands and territories dependent upon  
 any of the colonies aforesaid, and constituting parts of the same colonial  
 government, shall respectively be taken to be parts of such respective colonies.

Islands, &c.  
 dependent  
 upon colonies  
 shall be deemed  
 part of such.

#### CHAPTER ·LXXIV.

AN ACT for the Abolition of Fines and Recoveries, and for the Substitution  
 of more simple Modes of Assurance. [28th August 1833.]

**B**E it enacted by the King's most excellent Majesty, by and with the  
 advice and consent of the lords spiritual and temporal, and commons,  
 in this present Parliament assembled, and by the authority of the same, that  
 in the construction of this Act the word "lands" shall extend to manors,  
 advowsons, rectories, messuages, lands, tenements, tithes, rents, and heredita-  
 ments of any tenure (except copy of court roll), and whether corporeal or  
 incorporeal, and any undivided share thereof, but when accompanied by some  
 expression including or denoting the tenure by copy of court roll, shall extend  
 to manors, messuages, lands, tenements, and hereditaments of that tenure, and  
 any undivided share thereof; and the word "estate" shall extend to an estate  
 in equity as well as at law, and shall also extend to any interest, charge, lien,  
 or incumbrance in, upon, or affecting lands, either at law or in equity, and  
 shall also extend to any interest, charge, lien, or incumbrance in, upon, or  
 affecting money subject to be invested in the purchase of lands; and the ex-  
 pression "base fee" shall mean exclusively that estate in fee simple into which  
 an estate tail is converted where the issue in tail are barred, but persons  
 claiming estates by way of remainder or otherwise are not barred; and the

Meaning of  
 certain words  
 and expres-  
 sions.  
 "Lands."

"Estate."

"Base fee."

“Estate tail.” expression “estate tail,” in addition to its usual meaning, shall mean a base fee into which an estate tail shall have been converted ; and the expression

“Actual tenant in tail.” “actual tenant in tail” shall mean exclusively the tenant of an estate tail which shall not have been barred, and such tenant shall be deemed an actual tenant in tail, although the estate tail may have been divested or turned to a right ; and the expression “tenant in tail” shall mean not only an actual tenant in tail, but also a person who, where an estate tail shall have been barred and converted into a base fee, would have been tenant of such estate tail if the same had not been barred ; and the expression “tenant in tail entitled to a base fee.” “titled to a base fee” shall mean a person entitled to a base fee, or to the ultimate beneficial interest in a base fee, and who, if the base fee had not been created, would have been actual tenant in tail ; and the expression “money subject to be invested in the purchase of lands.” “subject to be invested in the purchase of lands” shall include money, whether raised or to be raised, and whether the amount thereof be or be not ascertained, and shall extend to stocks and funds, and real and other securities, the produce of which is directed to be invested in the purchase of lands ; and the lands to be purchased with such money or produce shall extend to lands held by copy of court roll, and also to lands of any tenure, in Ireland or elsewhere out of England, where such lands or any of them are within the scope or meaning of the trust or power directing or authorizing the purchase ; and the word “person” shall extend to a body politic, corporate, or collegiate, as well as an individual ; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing ; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things ; and every word importing the masculine gender only shall extend and be applied to a female as well as a male ; and every assurance already made or hereafter to be made, whether by deed, will, private Act of Parliament, or otherwise, by which lands are or shall be entailed, or agreed or directed to be entailed, shall be deemed a settlement ; and every appointment made in exercise of any power contained in any settlement, or of any other power arising out of the power contained in any settlement, shall be considered as part of such settlement, and the estate created by such appointment shall be considered as having been created by such settlement ; and where any such settlement is or shall be made by will, the time of the death of the testator shall be considered the time when such settlement was made : Provided always, that those words and expressions occurring in this clause, to which more than one meaning is to be attached, shall not have the different meanings given to them by this clause in those cases in which there is any thing in the subject or context repugnant to such construction.

“Person.”  
Number and gender.

Settlement.

No fine or recovery to be levied or suffered after 31st Dec. 1833.

II. AND be it further enacted, that after the thirty-first day of December one thousand eight hundred and thirty-three no fine shall be levied or common recovery suffered of lands of any tenure, except where parties intending to levy a fine or suffer a common recovery shall, on or before the thirty-first day of December one thousand eight hundred and thirty-three, have sued out a writ of dedimus or any other writ in the regular proceedings of such fine or recovery ; and any fine or common recovery which shall be levied or suffered contrary to this provision shall be absolutely void.

III. AND be it further enacted, that in case any person shall, after the thirty-first day of December one thousand eight hundred and thirty-three, be liable to levy a fine or suffer a common recovery of lands of any tenure, or to procure some other person to levy a fine or suffer a common recovery of lands of any tenure, under a covenant or agreement already entered into or hereafter to be entered into, before the first day of January one thousand eight hundred and thirty-four, then and in such case, if all the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, the person liable to levy such fine or suffer such recovery, or to procure some other person to levy such fine or suffer such recovery, shall, after the thirty-first day of December one thousand eight hundred and thirty-three, be subject and liable under such covenant or agreement to make or to procure to be made such a disposition under this Act as will effect all the purposes intended to be effected by such fine or recovery; but if some only of the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, then the person so liable to levy such fine or suffer such recovery, or to procure some other person to levy such fine or suffer such recovery as aforesaid, shall, after the thirty-first day of December one thousand eight hundred and thirty-three, be subject and liable under such covenant or agreement to make or procure to be made such a disposition under this Act as will effect such of the purposes intended to be effected by such fine or recovery as can be effected by a disposition under this Act; and in those cases where the purposes intended to be effected by such fine or recovery or any of them cannot be effected by any disposition under this Act, then the person so liable to levy such fine or suffer such recovery, or to procure some other person to levy such fine or suffer such recovery as aforesaid, shall, after the thirty-first day of December one thousand eight hundred and thirty-three, be liable under such covenant or agreement to execute or to procure to be executed some deed whereby the person intended to levy such fine or suffer such recovery shall declare his desire that such deed shall have the same operation and effect as such fine or recovery would have had if the same had been actually levied or suffered; and the deed by which such declaration shall be made shall, if none of the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, have the same operation and effect in every respect as such fine or recovery would have had, if the same had been actually levied or suffered; but if some only of the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, then the deed by which such declaration shall be made shall, so far as the purposes intended to be effected by such fine or recovery cannot be effected by a disposition under this Act, have the same operation and effect in every respect as such fine or recovery would have had if the same had been actually levied or suffered.

IV. AND be it further enacted, that no fine already levied in a superior court of lands of the tenure of ancient demesne which hath not been reversed, and no fine hereafter to be levied of lands of that tenure, shall, upon a writ of deceit already brought by the lord of the manor of which the lands were parcel, the proceedings in which are now pending, or upon a writ of deceit which at any time after the passing of this Act may be brought by the lord of the said manor, be reversed as to any person except the lord of the said

Persons after 31st Dec. 1833 liable under covenants to levy fines or suffer recoveries shall effect the purposes intended by means of this Act; but in any case where the purpose of a fine or recovery cannot be so effected, the persons liable to levy fines or suffer recoveries shall execute a deed which shall have the same operation as the fine or recovery.

Fines and recoveries of lands in ancient demesne, when levied or suffered in a superior court, may be reversed as to the lord only by

writs of deceit, the proceedings in which are now pending, or by writs of deceit hereafter to be brought, but shall be as valid against the parties thereto, and persons claiming under them, as if not reversed as to the lord.

manor; and the court shall order such fine to be vacated only as to the lord of the said manor; and every such fine which may be reversed as to the lord of the said manor upon such writ of deceit as aforesaid shall still remain as good and valid against and as binding upon the consors thereof, and all persons claiming under them, as such fine would have been if the same had not been reversed by such writ of deceit as aforesaid; and no common recovery already suffered in a superior court of lands of the tenure of ancient demesne which hath not been reversed, and no common recovery hereafter to be suffered of lands of that tenure, shall, upon a writ of deceit already brought by the lord of the manor of which the lands were parcel, the proceedings in which are now pending, or upon a writ of deceit which at any time after the passing of this Act may be brought by the lord of the said manor, be reversed as to any person except the lord of the said manor; and the court shall order such recovery to be vacated only as to the lord of the said manor; and every such recovery which may be reversed as to the lord of the said manor upon such writ of deceit as aforesaid shall still remain as good and valid against and as binding upon the vouchees therein, and all persons claiming under them, as such recovery would have been if the same had not been reversed by such writ of deceit as aforesaid.

Fines and recoveries of lands in ancient demesne levied or suffered in the manor court, after other fines and recoveries in a superior court, shall be as valid as if the tenure had not been changed.

Fines and recoveries shall not be invalid in other cases, though levied or suffered in courts whose jurisdictions may not extend to the lands therein comprised.

V. AND be it further enacted, that if at any time before or after the passing of this Act a fine or common recovery shall have been levied or suffered or shall be levied or suffered in a superior court of lands of the tenure of ancient demesne, and subsequently to the levying or suffering thereof a fine or common recovery shall have been or shall be levied or suffered of the same lands in the court of the lord of the manor of which the lands had been previously parcel, and the fine or common recovery levied or suffered in such superior court shall not have been reversed previously to the levying of the fine or the suffering of the common recovery in the lord's court, then and in every such case the fine or common recovery levied or suffered in the lord's court shall, notwithstanding the alteration or change of the tenure by the fine or common recovery previously levied or suffered in the superior court, be as good, valid, and binding as the same would have been if the tenure had not been altered or changed; and that in every other case where any fine or common recovery shall at any time before the passing of this Act have been levied or suffered in a court whose jurisdiction does not extend to the lands of which such fine or recovery shall have been levied or suffered, such fine or recovery shall not be invalid in consequence of its having been levied or suffered in such court, and such court shall be deemed a court of sufficient jurisdiction for all the purposes of such fine or recovery; and in every other case where persons shall have assumed to hold courts in which fines or common recoveries have been levied or suffered, and such courts shall be unlawful or held without due authority, the fines or common recoveries which at any time before the passing of this Act may have been levied or suffered in such unlawful or unauthorized courts shall not be invalid in consequence of their having been levied or suffered therein, and such courts shall be deemed courts of sufficient jurisdiction for all the purposes of such fines or recoveries.

Tenure of ancient demesne, where suspended or

VI. AND be it further enacted, that in every case in which at any time, either before or after the passing of this Act, the tenure of ancient demesne has been or shall be suspended or destroyed by the levying of a fine or the

suffering of a common recovery of lands of that tenure in a superior court, and the lord of the manor of which the lands at the time of levying such fine or suffering such recovery were parcel shall not reverse the same before the first day of January one thousand eight hundred and thirty-four, and shall not by any law in force on the first day of this session of Parliament be barred of his right to reverse the same, such lands, provided within the last twenty years immediately preceding the first day of January one thousand eight hundred and thirty-four the rights of the lord of the manor of which they shall have been parcel shall in any manner have been acknowledged or recognized as to the same lands, shall, from the said first day of January one thousand eight hundred and thirty-four, again become parcel of the said manor, and be subject to the same heriots, rents, and services as they would have been subject to if such fine or recovery had not been levied or suffered; and no writ of deceit for the reversal of any fine or common recovery shall be brought after the thirty-first day of December one thousand eight hundred and thirty-three.

destroyed by fine or recovery in a superior court, restored in cases in which the rights of the lord of the manor shall have been recognized within 20 years.

VII. AND be it further enacted, that if it shall be apparent, from the deed declaring the uses of any fine already levied or hereafter to be levied, that there is in the indentures, record, or any of the proceedings of such fine any error in the name of the conusor or conusee of such fine, or any misdescription or omission of lands intended to have been passed by such fine, then and in every such case the fine, without any amendment of the indentures, record, or proceedings in which such error, misdescription, or omission shall have occurred, shall be as good and valid as the same would have been, and shall be held to have passed all the lands intended to have been passed thereby, in the same manner as it would have done if there had been no such error, misdescription, or omission.

Fines made valid without amendment.

VIII. AND be it further enacted, that if it shall be apparent, from the deed making the tenant to the writ of entry or other writ for suffering a common recovery already suffered or hereafter to be suffered, that there is in the exemplification, record, or any of the proceedings of such recovery, any error in the name of the tenant, demandant, or vouchee in such recovery, or any misdescription or omission of lands intended to have been passed by such recovery, then and in every such case the recovery, without any amendment of the exemplification, record, or proceedings in which such error, misdescription, or omission shall have occurred, shall be as good and valid as the same would have been, and shall be held to have passed all the lands intended to have been passed thereby, in the same manner as it would have done if there had been no such error, misdescription, or omission.

Recoveries made valid without amendment.

IX. PROVIDED always, and be it further enacted, that nothing in this Act contained shall lessen or take away the jurisdiction of any court to amend any fine or common recovery or any proceeding therein in cases not provided for by this Act.

Saving jurisdiction to amend in cases not provided for.

X. AND be it further enacted, that no common recovery already suffered or hereafter to be suffered shall be invalid in consequence of the neglect to enrol in due time a bargain and sale purporting to make the tenant to the writ of entry or other writ for suffering such recovery, provided such recovery would have been valid if the bargain and sale purporting to make the tenant to the writ had been duly enrolled.

Recoveries made valid in certain cases where bargain and sale is not duly enrolled.



Recoveries  
invalid in con-  
sequence of  
there not being  
proper tenants  
to the writs of  
entry made  
valid in certain  
cases.

XI. AND be it further enacted, that no common recovery already suffered or hereafter to be suffered shall be invalid in consequence of any person in whom an estate at law was outstanding having omitted to make the tenant to the writ of entry or other writ for suffering such recovery, provided the person who was the owner of or had power to dispose of an estate in possession, not being less than an estate for a life or lives in the whole of the rents and profits of the lands in which such estate at law was outstanding, or the ultimate surplus of such rents and profits after payment of any charges thereout, and whether any surplus after payment of such charges shall actually remain or not, shall, within the time limited for making the tenant to the writ for suffering such recovery, have conveyed or disposed of such estate in possession to the tenant to such writ; and an estate shall be deemed to be an estate in possession, notwithstanding there shall be subsisting prior thereto any lease for lives or years, absolute or determinable, upon which a rent is reserved, or any term of years upon which no rent is reserved.

Certain cases  
in which fines  
and recoveries  
shall not be  
made valid by  
this Act.

XII. PROVIDED always, and be it further enacted, that where any fine or common recovery shall before the passing of this Act have been wholly reversed, such fine or recovery shall not be rendered valid by this Act; and where any fine or common recovery shall before the passing of this Act have been reversed as to some only of the parties thereto, or as to some only of the lands therein comprised, such fine or recovery shall not be rendered valid by this Act so far as the same shall have been reversed; and where any person who would have been barred by any fine or common recovery, if valid, shall before the passing of this Act have had any dealings with the lands comprised in such fine or recovery on the faith of the same being invalid, such fine or recovery shall not be rendered valid by this Act; and this Act shall not render valid any fine or common recovery as to lands of which any person shall at the time of the passing of this Act be in possession in respect of any estate which the fine or common recovery, if valid, would have barred, nor any fine or common recovery which, before the passing of this Act, any court of competent jurisdiction shall have refused to amend; nor shall this Act prejudice or affect any proceedings at law or in equity, pending at the time of the passing of this Act, in which the validity of such fine or recovery shall be in question between the party claiming under such fine or recovery and the party claiming adversely thereto; and such fine or recovery, if the result of such proceedings shall be to invalidate the same, shall not be rendered valid by this Act; and if such proceedings shall abate or become defective in consequence of the death of the party claiming under or adversely to such fine or recovery, any person who but for this Act would have a right of action or suit by reason of the invalidity of such fine or recovery shall retain such right, so that he commence proceedings within six calendar months after the death of such party.

Regulations  
as to the re-  
cords of fines  
and recoveries  
in the Courts of  
Common Pleas  
at Westminster  
and Lancaster,  
and the Court  
of Pleas at

XIII. AND be it further enacted, that after the thirty-first day of December one thousand eight hundred and thirty-three the records of all fines and common recoveries levied and suffered in his Majesty's Court of Common Pleas at Westminster, and all the proceedings thereof, shall be deposited in such places and kept by such persons as the said Court of Common Pleas shall from time to time order or direct; and the records of all fines and common recoveries levied and suffered in his Majesty's Court of Common

Pleas at Lancaster, and all the proceedings thereof, shall be deposited in such places and kept by such persons as his Majesty's justices of assize for the county palatine of Lancaster for the time being shall from time to time order or direct; and the records of all fines and common recoveries levied and suffered in the Court of Pleas of the county palatine of Durham, and all the proceedings thereof, shall be deposited in such places and kept by such persons as the said Court of Pleas shall from time to time order or direct; and in the meantime the said records and proceedings shall remain in the same places respectively where they are now deposited, and be kept by the respective persons who would have continued entitled to the custody thereof if this Act had not been passed; and while the said records and proceedings respectively shall be kept by such persons respectively, searches may be made and extracts and copies obtained as heretofore, and on paying the accustomed fees; and when any of the records and proceedings shall, by the order of the court or justices having the control over the same, be kept by any other person, then, so far as relates to the records and proceedings in the custody of such other person, searches may be made and extracts or copies obtained at such times and on paying such fees as shall from time to time be ordered by the court or justices having the control over the same; and the extracts or copies so obtained shall be as available in evidence as they would have been if obtained from the person whose duty it would have been to have made and delivered out the same if this Act had not been passed.

Durham after  
31st Dec. 1833.

XIV. AND be it further enacted, that all warranties of lands which, after the thirty-first day of December one thousand eight hundred and thirty-three, shall be made or entered into by any tenant in tail thereof, shall be absolutely void against the issue in tail, and all persons whose estates are to take effect after the determination or in defeasance of the estate tail.

Estates tail,  
and estates  
expectant  
thereon, no  
longer barrable  
by warranty.

XV. AND be it further enacted, that after the thirty-first day of December one thousand eight hundred and thirty-three every actual tenant in tail, whether in possession, remainder, contingency, or otherwise, shall have full power to dispose of for an estate in fee simple absolute or for any less estate the lands entailed, as against all persons claiming the lands entailed by force of any estate tail which shall be vested in or might be claimed by, or which but for some previous act would have been vested in or might have been claimed by, the person making the disposition, at the time of his making the same, and also as against all persons, including the King's most excellent Majesty, his heirs and successors, whose estates are to take effect after the determination or in defeasance of any such estate tail; saving always the rights of all persons in respect of estates prior to the estate tail in respect of which such disposition shall be made, and the rights of all other persons, except those against whom such disposition is by this Act authorized to be made.

Power of actual  
tenants in tail,  
after 31st Dec.  
1833, to dispose  
of entailed  
lands in fee  
simple or for  
a less estate,  
saving the  
rights of cer-  
tain persons.

XVI. PROVIDED always, and be it further enacted, that where, under any settlement made before the passing of this Act, any woman shall be tenant in tail of lands within the provisions of an Act passed in the eleventh year of the reign of his Majesty King Henry the Seventh, intituled "Certain alienations made by the wife of the lands of her deceased husband shall be void," the power of disposition herein-before contained as to such lands shall not be

Power of dis-  
position not to  
be exercised  
by women ten-  
ants in tail ex  
provisione viri,  
under 11 Hen.7.  
c. 20., except  
with assent.

exercised by her, except with such assent as, if this Act had not been passed, would, under the provisions of the said Act of King Henry the Seventh, have rendered valid a fine or common recovery levied or suffered by her of such lands.]\*

Repeal of  
11 Hen. 7. c. 20.  
except as to  
lands in settle-  
ments before  
this Act.  
The power of  
disposition not  
to extend to  
certain tenants  
in tail re-  
strained by  
34 & 35 Hen. 8.  
c. 20, &c.

XVII. PROVIDED always, and be it further enacted, that, except as to lands comprised in any settlement made before the passing of this Act, the said Act of the eleventh year of the reign of his Majesty King Henry the Seventh shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

XVIII. PROVIDED always, and be it further enacted, that the power of disposition herein-before contained shall not extend to tenants of estates tail who, by an Act passed in the thirty-fourth and thirty-fifth years of the reign of his Majesty King Henry the Eighth, intituled "An Act to embar feigned " recovery of lands wherein the King is in reversion," or by any other Act, are restrained from barring their estates tail, or to tenants in tail after possibility of issue extinct.

Power, after  
31st Dec. 1833,  
to enlarge base  
fees; saving  
the rights of  
certain persons.

XIX. AND be it further enacted, that after the thirty-first day of December one thousand eight hundred and thirty-three, in every case in which an estate tail in any lands shall have been barred and converted into a base fee, either before or on or after that day, the person who, if such estate tail had not been barred, would have been actual tenant in tail of the same lands, shall have full power to dispose of such lands as against all persons, including the King's most excellent Majesty, his heirs and successors, whose estates are to take effect after the determination or in defeasance of the base fee into which the estate tail shall have been converted, so as to enlarge the base fee into a fee simple absolute; saving always the rights of all persons in respect of estates prior to the estate tail which shall have been converted into a base fee, and the rights of all other persons, except those against whom such disposition is by this Act authorized to be made.

Issue inhe-  
ritable not to  
bar expectan-  
cies.

XX. PROVIDED always, and be it further enacted, that nothing in this Act contained shall enable any person to dispose of any lands entailed in respect of any expectant interest which he may have as issue inheritable to any estate tail therein.

Extent of the  
estate created  
by a tenant in  
tail by way of  
mortgage, or  
for any other  
limited pur-  
pose.

XXI. PROVIDED always, and be it further enacted, that if a tenant in tail of lands shall make a disposition of the same, under this Act, by way of mortgage, or for any other limited purpose, then and in such case such disposition shall, to the extent of the estate thereby created, be an absolute bar in equity as well as at law to all persons as against whom such disposition is by this Act authorized to be made, notwithstanding any intention to the contrary may be expressed or implied in the deed by which the disposition may be effected: Provided always, that if the estate created by such disposition shall be only an estate pour autre vie, or for years absolute or

]\* The Act 11 Hen. 7. c. 20. contained the following proviso:—

Sect. 5. Provided also that this Acte extende not to any suche recoveree or discontynuaunce to be had where the heires next inheritable to the seid woman, or he or they that next after the deth of the same woman shuld have of astate of inheritance the same manors londes or tenementes be assentyng or aggreable to the same recoverees where the same assent and aggrement be of records or inrolled.]\*

determinable, or if, by a disposition under this Act by a tenant in tail of lands, an interest, charge, lien, or incumbrance shall be created without a term of years absolute or determinable, or any greater estate, for securing or raising the same, then such disposition shall in equity be a bar only so far as may be necessary to give full effect to the mortgage, or to such other limited purpose, or to such interest, lien, charge, or incumbrance, notwithstanding any intention to the contrary may be expressed or implied in the deed by which the disposition may be effected.

XXII. AND be it further enacted, that if, at the time when there shall be a tenant in tail of lands under a settlement, there shall be subsisting in the same lands or any of them, under the same settlement, any estate for years determinable on the dropping of a life or lives, or any greater estate (not being an estate for years), prior to the estate tail, then the person who shall be the owner of the prior estate, or the first of such prior estates if more than one then subsisting under the same settlement, or who would have been so if no absolute disposition thereof had been made, (the first of such prior estates, if more than one, being for all the purposes of this Act deemed the prior estate,) shall be the protector of the settlement so far as regards the lands in which such prior estate shall be subsisting, and shall for all the purposes of this Act be deemed the owner of such prior estate, although the same may have been charged or incumbered either by the owner thereof or by the settlor, or otherwise howsoever, and although the whole of the rents and profits be exhausted or required for the payment of the charges and incumbrances on such prior estate, and although such prior estate may have been absolutely disposed of by the owner thereof, or by or in consequence of the bankruptcy or insolvency of such owner, or by any other act or default of such owner; and that an estate by the curtesy, in respect of the estate tail, or of any prior estate created by the same settlement, shall be deemed a prior estate under the same settlement within the meaning of this clause; and that an estate by way of resulting use or trust to or for the settlor shall be deemed an estate under the same settlement within the meaning of this clause.

The owner of the first existing estate under a settlement, prior to an estate tail under the same settlement, to be the protector of the settlement.

XXIII. PROVIDED always, and be it further enacted, that where two or more persons shall be owners under a settlement, within the meaning of this Act, of a prior estate, the sole owner of which estate, if there had been only one, would in respect thereof have been the protector of such settlement, each of such persons, in respect of such undivided share as he could dispose of, shall for all the purposes of this Act be deemed the owner of a prior estate, and shall, in exclusion of the other or others of them, be the sole protector of such settlement to the extent of such undivided share.

Each of two or more owners of a prior estate to be the sole protector as to his share.

XXIV. PROVIDED always, and be it further enacted, that where a married woman would, if single, be the protector of a settlement in respect of a prior estate, which is not thereby settled or agreed or directed to be settled to her separate use, she and her husband together shall in respect of such estate be the protector of such settlement and shall be deemed one owner; but if such prior estate shall by such settlement have been settled, or agreed or directed to be settled to her separate use, then and in such case she alone shall in respect of such estate be the protector of such settlement.

Married woman and her husband shall be together the protector, except where the prior estate is settled to her separate use.

Estates confirmed or restored by a settlement shall be deemed subsisting under the settlement.

Proviso as to leases at rent created or confirmed by a settlement.

No dowress, bare trustee, heir, executor, &c. to be protector, except in the case of such bare trustee as herein-after mentioned.

Who shall be the protector where the owner of the prior estates shall, by the two last clauses, be excluded.

Where, in the disposition of an estate before 31st Dec. 1833, the person to make the tenant to the writ of entry in a recovery shall be the protector.

Where, in the case of the disposition of a reversion on or before 31st Dec. 1833, the person to make the tenant to the writ of entry in a recovery shall be the protector.

XXV. PROVIDED always, and be it further enacted, that, except in the case of a lease herein-after provided for, where an estate shall be limited by a settlement by way of confirmation, or where the settlement shall merely have the effect of restoring an estate, in either of those cases such estate shall for the purposes of this Act, so far as regards the protector of the settlement, be deemed an estate subsisting under such settlement.

XXVI. PROVIDED always, and be it further enacted, that where a lease at a rent shall be created or confirmed by a settlement, the person in whose favour such lease shall be created or confirmed shall not in respect thereof be the protector of such settlement.

XXVII. PROVIDED always, and be it further enacted, that no woman in respect of her dower, and (except in the case herein-after provided for of a bare trustee under a settlement made on or before the thirty-first day of December one thousand eight hundred and thirty-three) no bare trustee, heir, executor, administrator, or assign, in respect of any estate taken by him as such bare trustee, heir, executor, administrator, or assign, shall be the protector of a settlement.

XXVIII. PROVIDED always, and be it further enacted, that where under any settlement there shall be more than one estate prior to an estate tail, and the person who shall be the owner within the meaning of this Act of any such prior estate, in respect of which but for the two last preceding clauses, or either of them, he would have been the protector of the settlement, shall, by virtue of such clauses, or either of them, be excluded from being the protector, then and in such case the person (if any) who, if such estate did not exist, would be the protector of the settlement, shall be such protector.

XXIX. PROVIDED always, and be it further enacted, that where already, or on or before the thirty-first day of December one thousand eight hundred and thirty-three, an estate under a settlement shall have been disposed of either absolutely or otherwise, and either for valuable consideration or not, the person who in respect of such estate would, if this Act had not been passed, have been the proper person to have made the tenant to the writ of entry or other writ for suffering a common recovery of the lands entailed by such settlement, shall, during the continuance of the estate which conferred the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

XXX. PROVIDED always, and be it further enacted, that where any person having either already or on or before the thirty-first day of December one thousand eight hundred and thirty-three, either for valuable consideration or not, disposed of, either absolutely or otherwise, a remainder or reversion in fee in any lands, or created any estate out of such remainder or reversion, would under this Act, if this clause had not been inserted, have been the protector of the settlement by which the lands were entailed in which such remainder or reversion may be subsisting, and thereby be enabled to concur in the barring of such remainder or reversion, which he could not have done if he had not become such protector, then and in every such case the person who, if this Act had not been passed, would have been the proper person to have made the tenant to the writ of entry or other writ for suffering a common

recovery of such lands, shall, during the continuance of the estate which conferred the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

XXXI. PROVIDED always, and be it further enacted, that where, under any settlement of lands made before the passing of this Act, the person who, if this Act had not been passed, would have been the proper person to make the tenant to the writ of entry or other writ for suffering a common recovery of such lands for the purpose of barring any estate tail or other estate under such settlement, shall be a bare trustee, such trustee shall, during the continuance of the estate conferring on him the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

Where a bare trustee under a settlement made before the passing of this Act shall be the protector.

XXXII. PROVIDED always, and be it further enacted, that it shall be lawful for any settlor entailing lands to appoint, by the settlement by which the lands shall be entailed, any number of persons in esse, not exceeding three, and not being aliens, to be protector of the settlement in lieu of the person who would have been the protector if this clause had not been inserted, and either for the whole or any part of the period for which such person might have continued protector, and by means of a power to be inserted in such settlement to perpetuate during the whole or any part of such period the protectorship of the settlement in any one person or number of persons in esse, and not being an alien or aliens, whom the donee of the power shall think proper by deed to appoint protector of the settlement in the place of any one person or number of persons who shall die or shall by deed relinquish his or their office of protector; and the person or persons so appointed shall, in case of there being no other person then protector of the settlement, be the protector, and shall, in case of there being any other person then protector of the settlement, be protector jointly with such other person: Provided nevertheless, that by virtue or means of any such appointment the number of the persons to compose the protector shall never exceed three: Provided further nevertheless, that every deed by which a protector shall be appointed under a power in a settlement, and every deed by which a protector shall relinquish his office, shall be void unless inrolled in his Majesty's High Court of Chancery within six calendar months after the execution thereof: Provided further nevertheless, that the person who but for this clause would have been sole protector of the settlement may be one of the persons to be appointed protector under this clause, if the settlor shall think fit, and shall, unless otherwise directed by the settlor, act as sole protector if the other persons constituting the protector shall have ceased to be so by death or relinquishment of the office by deed, and no other person shall have been appointed in their place.

Power to any settlor to appoint the protector.

XXXIII. PROVIDED always, and be it further enacted, that if any person, protector of a settlement, shall be lunatic, idiot, or of unsound mind, and whether he shall have been found such by inquisition or not, then the lord high chancellor of Great Britain, or the lord keeper or the lords commissioners for the custody of the great seal of Great Britain for the time being, or other the person or persons for the time being intrusted by the King's sign manual with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, shall be the protector of such settlement in lieu of the person who shall be such lunatic or idiot or

In cases of lunacy, the lord chancellor, &c., and in cases of treason or felony, &c., the Court of Chancery shall be the protector.

of unsound mind as aforesaid ; or if any person, protector of a settlement, shall be convicted of treason or felony, or if any person, not being the owner of a prior estate under a settlement, shall be protector of such settlement, and shall be an infant, or if it shall be uncertain whether such last-mentioned person be living or dead, then his Majesty's High Court of Chancery shall be the protector of such settlement in lieu of the person who shall be an infant, or whose existence cannot be ascertained as aforesaid ; or if any settlor entailing lands shall in the settlement by which the lands shall be entailed declare that the person who as owner of a prior estate under such settlement would be entitled to be protector of the settlement shall not be such protector, and shall not appoint any person to be protector in his stead, then the said Court of Chancery shall, as to the lands in which such prior estate shall be subsisting, be the protector of the settlement during the continuance of such estate ; or if in any other case where there shall be subsisting under a settlement an estate prior to an estate tail under the same settlement, and such prior estate shall be sufficient to qualify the owner thereof to be protector of the settlement, and there shall happen at any time to be no protector of the settlement as to the lands in which the prior estate shall be subsisting, the said Court of Chancery shall, while there shall be no such protector, and the prior estate shall be subsisting, be the protector of the settlement as to such lands.

Where there is a protector, his consent shall be requisite to enable an actual tenant in tail to create a larger estate than a base fee.

XXXIV. PROVIDED always, and be it further enacted, that if at the time when any person, actual tenant in tail of lands under a settlement, but not entitled to the remainder or reversion in fee immediately expectant on the determination of his estate tail, shall be desirous of making under this Act a disposition of the lands entailed, there shall be a protector of such settlement, then and in every such case the consent of such protector shall be requisite to enable such actual tenant in tail to dispose of the lands entailed to the full extent to which he is herein-before authorized to dispose of the same ; but such actual tenant in tail may, without such consent, make a disposition under this Act of the lands entailed, which shall be good against all persons who, by force of any estate tail which shall be vested in or might be claimed by, or which but for some previous act or default would have been vested in or might have been claimed by, the person making the disposition at the time of his making the same, shall claim the lands entailed.

Where there is a base fee, and a protector, his consent shall be requisite to the exercise of the power of disposition.

XXXV. PROVIDED always, and be it further enacted, that where an estate tail shall have been converted into a base fee, in such case, so long as there shall be a protector of the settlement by which the estate tail was created, the consent of such protector shall be requisite to enable the person who would have been tenant of the estate tail if the same had not been barred to exercise, as to the lands in respect of which there shall be such protector, the power of disposition herein-before contained.

The protector to be subject to no control in the exercise of his power of consenting.

XXXVI. AND be it further enacted, that any device, shift, or contrivance by which it shall be attempted to control the protector of a settlement in giving his consent, or to prevent him in any way from using his absolute discretion in regard to his consent, and also any agreement entered into by the protector of a settlement to withhold his consent, shall be void ; and that the protector of a settlement shall not be deemed to be a trustee in respect of his power of

consent; and a court of equity shall not control or interfere to restrain the exercise of his power of consent, nor treat his giving consent as a breach of trust.

XXXVII. PROVIDED always, and be it further enacted, that the rules of equity in relation to dealings and transactions between the donee of a power and any object of the power in whose favour the same may be exercised, shall not be held to apply to dealings and transactions between the protector of a settlement and a tenant in tail under the same settlement, upon the occasion of the protector giving his consent to a disposition by a tenant in tail under this Act.

Certain rules of equity not to apply between the protector of a settlement and a tenant in tail under the same.

XXXVIII. PROVIDED always, and be it further enacted, that when a tenant in tail of lands under a settlement shall have already created or shall hereafter create in such lands, or any of them, a voidable estate in favour of a purchaser for valuable consideration, and shall afterwards under this Act, by any assurance other than a lease not requiring enrolment, make a disposition of the lands in which such voidable estate shall be created, or any of them, such disposition, whatever its object may be, and whatever may be the extent of the estate intended to be thereby created, shall, if made by the tenant in tail with the consent of the protector (if any) of the settlement, or by the tenant in tail alone if there shall be no such protector, have the effect of confirming such voidable estate in the lands thereby disposed of to its full extent as against all persons except those whose rights are saved by this Act; but if at the time of making the disposition there shall be a protector of the settlement, and such protector shall not consent to the disposition, and the tenant in tail shall not without such consent be capable under this Act of confirming the voidable estate to its full extent, then and in such case such disposition shall have the effect of confirming such voidable estate so far as such tenant in tail would then be capable under this Act of confirming the same without such consent: Provided always, that if such disposition shall be made to a purchaser for valuable consideration, who shall not have express notice of the voidable estate, then and in such case the voidable estate shall not be confirmed as against such purchaser and the persons claiming under him.

A voidable estate by a tenant in tail, in favour of a purchaser, shall be confirmed by a subsequent disposition of such tenant in tail under this Act, but not against a purchaser without notice.

XXXIX. AND be it further enacted, that if a base fee in any lands, and the remainder or reversion in fee in the same lands, shall at the time of the passing of this Act, or at any time afterwards, be united in the same person, and at any time after the passing of this Act there shall be no intermediate estate between the base fee and the remainder or reversion, then and in such case the base fee shall not merge, but shall be ipso facto enlarged into as large an estate as the tenant in tail, with the consent of the protector, if any, might have created by any disposition under this Act, if such remainder or reversion had been vested in any other person.

Base fees, when united with the immediate reversions, enlarged, instead of being merged.

XL. AND be it further enacted, that every disposition of lands under this Act by a tenant in tail thereof shall be effected by some one of the assurances (not being a will) by which such tenant in tail could have made the disposition if his estate were an estate at law in fee simple absolute: Provided nevertheless, that no disposition by a tenant in tail shall be of any force either at law or in equity, under this Act, unless made or evidenced by deed; and that no disposition by a tenant in tail resting only in contract, either expressed or implied, or otherwise, and whether supported by a valuable or meritorious consideration or not, shall be of any force at law or in equity under this Act, notwithstanding

Tenant in tail to make a disposition by deed as if seized in fee, but not by will or contract; and if a married woman, with her husband's concurrence, &c.



ing such disposition shall be made or evidenced by deed; and if the tenant in tail making the disposition shall be a married woman, the concurrence of her husband shall be necessary to give effect to the same; and any deed which may be executed by her for effecting the disposition shall be acknowledged by her as herein-after directed.

Every assurance by a tenant in tail, except a lease not exceeding 21 years at a rackrent, or, not less than five sixths of a rackrent, to be inoperative unless inrolled in Chancery within six months.

28 Hen. 8.  
c. 16.

XLI. PROVIDED always, and be it further enacted, that no assurance by which any disposition of lands shall be effected under this Act by a tenant in tail thereof (except a lease for any term not exceeding twenty-one years, to commence from the date of such lease, or from any time not exceeding twelve calendar months from the date of such lease, where a rent shall be thereby reserved, which, at the time of granting such lease, shall be a rackrent, or not less than five sixth parts of a rackrent,) shall have any operation under this Act, unless it be inrolled in his Majesty's High Court of Chancery within six calendar months after the execution thereof; and if the assurance by which any disposition of lands shall be effected under this Act shall be a bargain and sale, such assurance, although not inrolled within the time prescribed by the Act passed in the twenty-seventh year of the reign of his Majesty King Henry the Eighth, intituled "For inrolment of bargains and sales," shall, if inrolled in the said Court of Chancery within the time prescribed by this clause, be as good and valid as the same would have been if the same had been inrolled in the said court within the time prescribed by the said Act of Henry the Eighth.

Consent of the protector to be given by the same assurance or by a distinct deed.

XLII. AND be it further enacted, that the consent of the protector of a settlement to the disposition under this Act of a tenant in tail shall be given either by the same assurance by which the disposition shall be effected, or by a deed distinct from the assurance, and to be executed either on or at any time before the day on which the assurance shall be made, otherwise the consent shall be void.

If by distinct deed, the consent shall be considered unqualified, unless it be expressly limited.

XLIII. AND be it further enacted, that if the protector of a settlement shall, by a distinct deed, give his consent to the disposition of a tenant in tail, it shall be considered that such protector has given an absolute and unqualified consent, unless in such deed he shall refer to the particular assurance by which the disposition shall be effected, and shall confine his consent to the disposition thereby made.

Protector not to revoke his consent.

XLIV. AND be it further enacted, that it shall not be lawful for the protector of a settlement who, under this Act, shall have given his consent to the disposition of a tenant in tail, to revoke such consent.

A married woman protector may consent as a feme sole.

XLV. AND be it further enacted, that any married woman, being either alone or jointly with her husband protector of a settlement, may under this Act, in the same manner as if she were a feme sole, give her consent to the disposition of a tenant in tail.

Consent of a protector by distinct deed void, unless inrolled with or before the assurance.

XLVI. PROVIDED always, and be it further enacted, that the consent of a protector to the disposition of a tenant in tail shall, if given by a deed distinct from the assurance by which the disposition shall be effected by the tenant in tail, be void, unless such deed be inrolled in his Majesty's High Court of Chancery either at or before the time when the assurance shall be inrolled.

Courts of equity excluded from giving any effect to

XLVII. AND be it further enacted, that in cases of dispositions of lands under this Act by tenants in tail thereof, and also in cases of consents by protectors of settlements to dispositions of lands under this Act by tenants

in tail thereof, the jurisdiction of courts of equity shall be altogether excluded, either on the behalf of a person claiming for a valuable or meritorious consideration, or not, in regard to the specific performance of contracts, and the supplying of defects in the execution either of the powers of disposition given by this Act to tenants in tail, or of the powers of consent given by this Act to protectors of settlements, and the supplying under any circumstances of the want of execution of such powers of disposition and consent respectively, and in regard to giving effect in any other manner to any act or deed by a tenant in tail or protector of a settlement which in a court of law would not be an effectual disposition or consent under this Act; and that no disposition of lands under this Act by a tenant in tail thereof in equity, and no consent by a protector of a settlement to a disposition of lands under this Act by a tenant in tail thereof in equity, shall be of any force unless such disposition or consent would in case of an estate tail at law be an effectual disposition or consent under this Act in a court of law.

dispositions by tenants in tail, or consents of protectors of settlements, which in courts of law would not be effectual.

XLVIII. PROVIDED always, and be it further enacted, that in every case in which the lord high chancellor, lord keeper or lords commissioners for the custody of the great seal, or other the person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, or his Majesty's High Court of Chancery, shall be the protector of a settlement, such lord high chancellor, lord keeper or lords commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), while protector of such settlement, shall, on the motion or petition in a summary way by a tenant in tail under such settlement, have full power to consent to a disposition under this Act by such tenant in tail; and the disposition to be made by such tenant in tail upon such motion or petition as aforesaid shall be such as shall be approved of by such lord high chancellor, lord keeper or lords commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be); and it shall be lawful for such lord high chancellor, lord keeper or lords commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), to make such orders in the matter as shall be thought necessary; and if such lord high chancellor, lord keeper or lords commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), shall, in lieu of any such person as aforesaid, be the protector of a settlement, and there shall be any other person protector of the same settlement jointly with such person as aforesaid, then and in every such case the disposition by the tenant in tail, though approved of as aforesaid, shall not be valid, unless such other person being protector as aforesaid shall consent thereto in the manner in which the consent of the protector is by this Act required to be given.

Lord chancellor, &c., when protector, may consent to a disposition by a tenant in tail, and may make such orders as shall be thought necessary; and if any other person is joint protector, the disposition shall not be valid without his consent.

XLIX. PROVIDED always, and be it further enacted, that in every case in which the lord high chancellor, lord keeper or lords commissioners for the custody of the great seal, or other the person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, or his Majesty's High Court of Chancery, shall be the protector of a settlement, no document or instrument, as evidence of the consent of such protector to the disposition of a tenant in

Order of the lord chancellor, &c. to be evidence of consent.

tail under such settlement, shall be requisite beyond the order in obedience to which the disposition shall have been made.

The previous clauses shall apply to copyholds, with certain variations.

L. AND be it further enacted, that all the previous clauses in this Act, so far as circumstances and the different tenures will admit, shall apply to lands held by copy of court roll, except that a disposition of any such lands under this Act by a tenant in tail thereof, whose estate shall be an estate at law, shall be made by surrender, and except that a disposition of any such lands under this Act by a tenant in tail thereof, whose estate shall be merely an estate in equity, may be made either by surrender or by a deed as herein-after provided, and except so far as such clauses are otherwise altered or varied by the clauses herein-after contained.

Proviso as to the deed of consent and the entry of it on the court rolls where the protector of a settlement of copyholds consents by deed to the disposition of a tenant in tail.

LI. PROVIDED always, and be it further enacted, that if the consent of the protector of a settlement to the disposition of lands held by copy of court roll by a tenant in tail thereof shall be given by deed, such deed shall, either at or before the time when the surrender shall be made by which the disposition shall be effected, be executed by such protector, and produced to the lord of the manor of which the lands are parcel, or to his steward, or to the deputy of such steward; and the consent of such protector shall be void unless such deed shall be so executed and produced; and on the production of the deed the lord or steward or deputy steward shall by writing under his hand, to be endorsed on the deed, acknowledge that the same was produced within the time limited, and shall cause such deed, with the indorsement thereon, to be entered on the court rolls of the manor; and the indorsement, purporting to be so signed, shall of itself be *prima facie* evidence that the deed was produced within the time limited, and that the person who signed the indorsement was the lord of the manor, or his steward, or the deputy of such steward; and after such deed shall have been so entered the lord of the manor or his steward or the deputy of such steward shall indorse thereon a memorandum signed by him, testifying the entry of the same on the court rolls.

Proviso as to the consent of the protector of a settlement of copyholds when not given by deed, and the preserving of evidence of the same on the court rolls.

LII. PROVIDED always, and be it further enacted, that if the consent of the protector of a settlement to the disposition of lands held by copy of court roll by a tenant in tail thereof shall not be given by deed, then and in such case the consent shall be given by the protector to the person taking the surrender by which the disposition shall be effected; and if the surrender shall be made out of court it shall be expressly stated in the memorandum of such surrender that such consent had been given, and such memorandum shall be signed by the protector; and the lord of the manor of which the lands are parcel, or his steward, or the deputy of such steward, shall cause the memorandum, with such statement therein as to the consent, to be entered on the court rolls of the manor; and such memorandum shall be good evidence of the consent and of the surrender therein stated to be made; and the entry of the memorandum on the court rolls, or a copy of such entry, shall be as available for the purposes of evidence as any other entry on the court rolls, or a copy thereof; but if the surrender shall be made in court, the lord of the manor or his steward or the deputy of such steward shall cause an entry of such surrender, containing a statement that such consent had been given, to be made on the court rolls; and the entry of such surrender on the court rolls, or a copy of such entry, shall be as available for the purposes of evidence as any other entry on the court rolls, or a copy thereof.

LIII. PROVIDED always, and be it further enacted, that a tenant in tail of lands held by copy of court roll, whose estate shall be merely an estate in equity, shall have full power by deed to dispose of such lands under this Act in the same manner in every respect as he could have done if they had been of freehold tenure; and all the previous clauses in this Act shall, so far as circumstances will admit, apply to the lands in respect of which any such equitable tenant in tail shall avail himself of this present clause; and the deed by which the disposition shall be effected shall be entered on the court rolls of the manor of which the lands thereby disposed of may be parcel; and if there shall be a protector to consent to the disposition, and such protector shall give his consent by a distinct deed, the consent shall be void unless the deed of consent be executed by the protector either on or at any time before the day on which the deed of disposition shall be executed by the equitable tenant in tail; and such deed of consent shall be entered on the court rolls; and it shall be imperative on the lord of the manor or his steward or the deputy of such steward, when required so to do, to enter such deed or deeds on the court rolls, and he shall indorse on each deed so entered a memorandum, signed by him, testifying the entry of the same on the court rolls: Provided always, that every deed by which lands held by copy of court roll shall be disposed of under this clause by an equitable tenant in tail thereof, shall be void against any person claiming such lands, or any of them, for valuable consideration under any subsequent assurance duly entered on the court rolls of the manor of which the lands may be parcel, unless the deed of disposition by the equitable tenant in tail be entered on the court rolls of such manor before the subsequent assurance shall have been entered.

Power to equitable tenants in tail of copyholds to dispose of their lands by deed.

LIV. PROVIDED always, and be it further enacted, that in no case where any disposition under this Act of lands held by copy of court roll by a tenant in tail thereof shall be effected by surrender or by deed, shall the surrender or the memorandum, or a copy thereof, or the deed of disposition, or the deed, if any, by which the protector shall consent to the disposition, require enrolment otherwise than by entry on the court rolls.

Enrolment not necessary as to copyholds.

LV. AND be it further enacted, that after the thirty-first day of December one thousand eight hundred and thirty-three so much of an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act to amend the laws relating to bankrupts," as empowers the commissioners named in any commission of bankrupt issued against a tenant in tail to make sale of any lands, tenements, and hereditaments, situate either in England or Ireland, whereof such bankrupt shall be seised of any estate tail in possession, reversion, or remainder, and whereof no reversion or remainder is in the crown, the gift or provision of the crown, shall be and the same is hereby repealed: Provided always, that such repeal shall not extend to the lands, whatever the tenure may be, of any person adjudged a bankrupt under any commission of bankrupt, or under any fiat which in pursuance of the said Act of the sixth year of the reign of King George the Fourth, or of any former Act concerning bankrupts, or of an Act passed in the first and second years of the reign of his Majesty King William the Fourth, intituled "An Act to establish a Court of Bankruptcy," hath been or shall be issued on or before the thirty-first day of December one thousand eight hundred and thirty-three: [Rep., Stat. Law Rev. Act, 1874.] . . . . .

Repeal of part of 6 Geo. 4. c. 16.

LVI. AND be it further enacted, that any commissioner acting in the execution of any fiat which after the thirty-first day of December one thousand eight hundred and thirty-three shall be issued in pursuance of the said Act passed in the first and second years of the reign of King William the Fourth, under which any person shall be adjudged a bankrupt who at

1 & 2 Will. 4. c. 56.

The commissioner, in the case of an actual tenant in tail becoming bankrupt after 31st Dec.

1833, shall by deed dispose of the entailed lands to a purchaser for the benefit of the creditors.

the time of issuing such fiat, or at any time afterwards, before he shall have obtained his certificate, shall be an actual tenant in tail of lands of any tenure, shall by deed dispose of such lands to a purchaser for valuable consideration, for the benefit of the creditors of such actual tenant in tail, and shall create by any such disposition as large an estate in the lands disposed of as the actual tenant in tail, if he had not become bankrupt, could have done under this Act at the time of such disposition: Provided always, that if at the time of the disposition of such lands, or any of them, by such commissioner as aforesaid, there shall be a protector of the settlement by which the estate of such actual tenant in tail in the lands disposed of by such commissioner was created, and the consent of such protector would have been requisite to have enabled the actual tenant in tail, if he had not become bankrupt, to have disposed of such lands to the full extent to which, if there had been no such protector, he could under this Act have disposed of the same, and such protector shall not consent to the disposition, then and in such case the estate created in such lands, or any of them, by the disposition of such commissioner, shall be as large an estate as the actual tenant in tail, if he had not become bankrupt, could at the time of such disposition have created under this Act in such lands without the consent of the protector.

Commissioner, in case of a tenant in tail entitled to a base fee in lands becoming bankrupt, and of there being no protector, shall by deed dispose of such lands to a purchaser.

LVII. AND be it further enacted, that any commissioner acting in the execution of any such fiat as aforesaid under which any person shall be adjudged a bankrupt who, at the time of issuing such fiat, or at any time afterwards before he shall have obtained his certificate, shall be a tenant in tail entitled to a base fee in lands of any tenure, shall by deed dispose of such lands to a purchaser for valuable consideration, for the benefit of the creditors of the person so entitled as aforesaid, provided at the time of the disposition there be no protector of the settlement by which the estate tail converted into the base fee was created; and by such disposition the base fee shall be enlarged into as large an estate as the same could at the time of such disposition have been enlarged into under this Act by the person so entitled if he had not become bankrupt.

Consent of the protector, &c. in cases of bankruptcy.

LVIII. AND be it further enacted, that the commissioner acting in the execution of any such fiat as aforesaid under which a person being or before obtaining his certificate becoming an actual tenant in tail of lands of any tenure, or a tenant in tail entitled to a base fee in lands of any tenure, shall be adjudged a bankrupt, shall, if there shall be a protector of the settlement by which the estate tail of such actual tenant in tail, or the estate tail converted into a base fee (as the case may be), was created, stand in the place of such actual tenant in tail, or tenant in tail so entitled as aforesaid, so far as regards the consent of such protector; and the disposition of such lands, or any of them, by such commissioner as aforesaid, if made with the consent of such protector, shall, whether such commissioner may have made under this Act a prior disposition of the same lands without the consent of such protector or not, or whether a prior sale or conveyance of the same lands shall have been made or not, under the said Acts of the sixth year of King George the Fourth and the first and second years of King William the Fourth, or either of them, or any Acts hereafter to be passed concerning bankrupts, have the same effect as such disposition would have had, if such actual tenant in tail, or tenant in tail so entitled as aforesaid, had not become bankrupt, and such

disposition had been made by him under this Act, with the consent of such protector; and all the previous clauses in this Act, in regard to the consent of the protector to the disposition of a tenant in tail of lands not held by copy of court roll, and in regard to the time and manner of giving such consent, and in regard to the inrolment of the deed of consent, where such deed shall be distinct from the assurance by which the disposition of the commissioner shall be effected, shall, except so far as the same may be varied by the clause next herein-after contained, apply to every consent that may be given by virtue of this present clause.

LIX. AND be it further enacted, that every deed by which any commissioner acting in the execution of any such fiat as aforesaid shall under this Act dispose of lands not held by copy of court roll, shall be void unless inrolled in his Majesty's High Court of Chancery within six calendar months after the execution thereof; and every deed by which any commissioner acting in the execution of any such fiat as aforesaid shall under this Act dispose of lands held by copy of court roll, shall be entered on the court rolls of the manor of which the lands may be parcel; and if there shall be a protector who shall consent to the disposition of such lands held by copy of court roll, and he shall give his consent by a distinct deed, the consent shall be void unless the deed of consent be executed by the protector either on or at any time before the day on which the deed of disposition shall be executed by the commissioner; and such deed of consent shall be entered on the court rolls; and it shall be imperative on the lord of every manor of which any lands disposed of under this Act by any such commissioner as aforesaid may be parcel, or the steward of such lord, or the deputy of such steward, to enter on the court rolls of the manor every deed required by this present clause to be entered on the court rolls, and he shall indorse on every deed so entered a memorandum, signed by him, testifying the entry of the same on the court rolls.

Inrolment in Chancery of deed of disposition of freehold lands, and entry on court rolls of deed of disposition of copyhold lands, &c. in cases of bankruptcy.

LX. AND be it further enacted, that if any commissioner acting in the execution of any such fiat as aforesaid shall, under this Act, dispose of any lands of any tenure of which the bankrupt shall be actual tenant in tail, and in consequence of there being a protector of the settlement by which the estate of such actual tenant in tail was created, and of his not giving his consent, only a base fee shall by such disposition be created in such lands, and if at any time afterwards during the continuance of the base fee there shall cease to be a protector of such settlement, then and in such case, and immediately thereupon, such base fee shall be enlarged into the same estate into which the same could have been enlarged under this Act, if at the time of the disposition by such commissioner as aforesaid there had been no such protector.

Subsequent enlargement of base fees created by the disposition of the commissioner.

LXI. AND be it further enacted, that if a tenant in tail entitled to a base fee in lands of any tenure shall be adjudged a bankrupt at the time when there shall be a protector of the settlement by which the estate tail converted into the base fee was created, and if such lands shall be sold or conveyed under the said Acts of the sixth year of King George the Fourth and the first and second years of King William the Fourth, or either of them, or any other Acts hereafter to be passed concerning bankrupts, and if at any time afterwards during the continuance of the base fee in such lands there shall cease

Enlargement of base fees subsequent to the sale or conveyance thereof under Bankruptcy Acts.

to be a protector of such settlement, then and in such case, and immediately thereupon, the base fee in such lands shall be enlarged into the same estate into which the same could have been enlarged under this Act, if at the time of the adjudication of such bankruptcy there had been no such protector, and the commissioner acting in the execution of the fiat under which the tenant in tail so entitled shall have been adjudged a bankrupt had disposed of such lands under this Act.

A voidable estate created in favour of a purchaser by an actual tenant in tail or tenant in tail entitled to a base fee, who afterwards becomes bankrupt, shall be confirmed by the disposition of the commissioner, if no protector, or being such with his consent, or on there ceasing to be a protector, &c.; except against a purchaser, without notice.

LXII. PROVIDED always, and be it further enacted, that where an actual tenant in tail of lands of any tenure, or a tenant in tail entitled to a base fee in lands of any tenure, shall have already created or shall hereafter create in such lands, or any of them, a voidable estate in favour of a purchaser for valuable consideration, and such actual tenant in tail, or tenant in tail so entitled as aforesaid, shall be adjudged a bankrupt under any such fiat as aforesaid, and the commissioner acting in the execution of such fiat shall make any disposition under this Act of the lands in which such voidable estate shall be created, or any of them, then and in such case if there shall be no protector of the settlement by which the estate tail of the actual tenant in tail, or the estate tail converted into a base fee, as the case may be, was created, or being such protector he shall consent to the disposition by such commissioner as aforesaid, whether such commissioner may have made under this Act a previous disposition of such lands or not, or whether a prior sale or conveyance of the same lands shall have been made or not under the said Acts of the sixth year of King George the Fourth, and the first and second years of King William the Fourth, or either of them, or any other Acts hereafter to be passed concerning bankrupts, the disposition by such commissioner shall have the effect of confirming such voidable estate in the lands thereby disposed of to its full extent as against all persons except those whose rights are saved by this Act; and if at the time of the disposition by such commissioner in the case of an actual tenant in tail, there shall be a protector, and such protector shall not consent to the disposition by such commissioner, and such actual tenant in tail, if he had not been adjudged a bankrupt, would not without such consent have been capable under this Act of confirming the voidable estate to its full extent, then and in such case such disposition shall have the effect of confirming such voidable estate so far as such actual tenant in tail, if he had not been adjudged a bankrupt, could at the time of such disposition have been capable under this Act of confirming the same without such consent; and if at any time after the disposition of such lands by such commissioner, and while only a base fee shall be subsisting in such lands, there shall cease to be a protector of such settlement, and such protector shall not have consented to the disposition by such commissioner, then and in such case such voidable estate, so far as the same may not have been previously confirmed, shall be confirmed to its full extent as against all persons except those whose rights are saved by this Act: Provided always, that if the disposition by any such commissioner as aforesaid shall be made to a purchaser for valuable consideration, who shall not have express notice of the voidable estate, then and in such case the voidable estate shall not be confirmed against such purchaser and the persons claiming under him.

Acts of a bankrupt tenant in tail

LXIII. AND be it further enacted, that all acts and deeds done and executed by a tenant in tail of lands of any tenure, who shall be adjudged a bankrupt

under any such fiat as aforesaid, and which shall affect such lands or any of them, and which, if he had been seised of or entitled to such lands in fee simple absolute, would have been void against the assignees of the bankrupt's estate, and all persons claiming under them, shall be void against any disposition which may be made of such lands under this Act by such commissioner as aforesaid.

void against any disposition under this Act by the commissioner.

LXIV. PROVIDED always, and be it further enacted, that, subject and without prejudice to the powers of disposition given by this Act to the commissioner acting in the execution of any such fiat as aforesaid, under which a person being or before obtaining his certificate becoming an actual tenant in tail of lands of any tenure, or a tenant in tail entitled to a base fee in lands of any tenure, shall be adjudged a bankrupt, and also subject and without prejudice to the estate in such lands which may be vested in the assignees of the bankrupt's estate, and also subject and without prejudice to the rights of all persons claiming under the said assignees in respect of such lands or any of them, such actual tenant in tail, or tenant in tail so entitled as aforesaid, shall have the same powers of disposition under this Act in regard to such lands as he would have had if he had not become bankrupt.

Subject to the powers given to the commissioner, and to the estate in the assignees, a bankrupt tenant in tail shall retain his powers of disposition.

LXV. AND be it further enacted, that any disposition under this Act of lands of any tenure by any commissioner acting in the execution of any such fiat as aforesaid, under which a person being or before obtaining his certificate becoming an actual tenant in tail of such lands, or a tenant in tail entitled to a base fee in such lands, shall be adjudged a bankrupt, shall, although the bankrupt be dead at the time of the disposition, be in the following cases as valid and effectual as the same would have been, and have the same operation under this Act as the same would have had, if the bankrupt were alive; (that is to say,) in case at the time of the bankrupt's decease there shall be no protector of the settlement by which the estate tail of the actual tenant in tail, or the estate tail converted into a base fee, as the case may be, was created; or in case the bankrupt had been an actual tenant in tail of such lands, and there shall at the time of the disposition be any issue inheritable to the estate tail of the bankrupt in such lands, and either no protector of the settlement by which the estate tail was created, or a protector of such settlement who, in the manner required by this Act, shall consent to the disposition, or a protector of such settlement who shall not consent to the disposition; or in case the bankrupt had been a tenant in tail entitled to a base fee in such lands, and there shall at the time of the disposition be any issue who if the base fee had not been created would have been actual tenant in tail of such lands, and either no protector of the settlement by which the estate tail converted into a base fee was created, or a protector of such settlement who, in the manner required by this Act, shall consent to the disposition.

The disposition by the commissioner of the lands of a bankrupt tenant in tail shall, if the bankrupt be dead, have in the cases herein mentioned the same operation as if he were alive.

LXVI. AND be it further enacted, that every disposition which under this Act may be made by any commissioner acting in the execution of any such fiat as aforesaid of lands held by copy of court roll shall, in every case in which the estate of the bankrupt in such lands shall not be merely an estate in equity, operate in the same manner as if such lands had, for the same estate which shall have been acquired by the disposition by such commissioner as aforesaid, been duly surrendered into the hands of the lord of the manor of

Every disposition by the commissioner of copyhold lands where the estate shall not be equitable to have the same operation as a surrender;



and the person to whom such land shall have been disposed of may claim to be admitted on paying the fines, &c.

which they may be parcel, to the use of the person to whom the same shall have been disposed of by such commissioner; and the person to whom the lands shall have been so disposed of by such commissioner may claim to be admitted tenant of such lands, to hold the same by the ancient rents, customs, and services, in the same manner as if such lands had been duly surrendered to his use into the hands of the lord of the manor of which such lands may be parcel, and shall, upon being admitted tenant of such lands to hold the same as aforesaid, pay the fines, fees, and other dues which could have been lawfully demanded upon such admittance, if such lands had, for the same estate which shall have been acquired by the disposition by such commissioner as aforesaid, passed by surrender into the hands of the lord, to the use of the person so admitted.

Assignees to recover rents of the lands of a bankrupt, of which the commissioner has power to make disposition, and to enforce covenants, &c. as if entitled to the reversion.

11 Geo. 2.  
c. 19.

This clause to apply to all copyhold lands, but only to such other lands as the commissioner can dispose of after the bankrupt's death.

LXVII. AND be it further enacted, that the rents and profits of any lands, of which any commissioner acting in the execution of any such fiat as aforesaid hath power to make disposition under this Act, shall in the meantime and until such disposition shall be made, or until it shall be ascertained that such disposition shall not be required for the benefit of the creditors of the person adjudged bankrupt under the fiat, be received by the assignees of the estate of the bankrupt, for the benefit of his creditors; and the assignees may proceed by action of debt for the recovery of such rents and profits, or may distrain for the same upon the lands subject to the payment thereof, and in case any action of trespass shall be brought for taking any such distress may plead thereto the general issue, and give this Act or other special matter in evidence, and also, in case any such distress shall be replevied, shall have power to avow or make cognizance generally in such manner and form as any landlord may now do by virtue of the statute made in the eleventh year of the reign of his Majesty King George the Second, intituled "An Act for the more effectual securing the payment of rents and preventing frauds by tenants," or by any other law or statute now in force or hereafter to be made for the more effectually recovering of rent in arrear; and such assignees, and their bailiffs, agents, and servants, shall also have all such and the same remedies, powers, privileges, and advantages of pleading, avowing, and making cognizance, and be entitled to the same costs and damages, and the same remedies for the recovery thereof, as landlords, their bailiffs, agents, and servants, are now or hereafter may be by law entitled to have when rent is in arrear; and such assignees shall also have the same power and authority of enforcing the observance of all covenants, conditions, and agreements in respect of the lands of which such commissioner as aforesaid hath the power of disposition under this Act, and in respect of the rents and profits thereof, and of entry into and upon the same lands for the nonobservance of any such covenant, condition, and agreement, and of expelling and amoving therefrom the tenants or other occupiers thereof, and thereby determining and putting an end to the estate of the persons who shall not have observed such covenants, conditions, and agreements, as the bankrupt would have had in case he had not been adjudged a bankrupt: Provided always, that this clause shall apply to all lands held by copy of court roll, but shall only apply to those lands of any other tenure which any commissioner acting in the execution of any such fiat as aforesaid may have power to dispose of under this Act after the bankrupt's decease.

LXVIII. AND be it further enacted, that all the provisions in this Act contained for the benefit of the creditors of persons who under such fiats as aforesaid shall be adjudged bankrupts after the thirty-first day of December one thousand eight hundred and thirty-three, and for the confirmation in consequence of bankruptcy of voidable estates created by them, shall extend and apply to the lands of any tenure in Ireland of such persons as fully and effectually as if this Act had throughout extended to lands of any tenure in Ireland; saving always the rights of the King's most excellent Majesty, his heirs and successors, to any reversion or remainder in the crown in lands in Ireland.

All the provisions of the Act in regard to bankrupts shall apply to their lands in Ireland.

LXIX. PROVIDED always, and be it further enacted, that in all cases of bankruptcy, every deed of disposition under this Act of lands in Ireland by any commissioner acting in the execution of any such fiat as aforesaid, and also every deed by which the protector of a settlement of lands in Ireland shall consent, shall be inrolled in his Majesty's High Court of Chancery in Ireland within six calendar months after the execution thereof, and not in his Majesty's High Court of Chancery in England.

Deeds relating to the lands of bankrupts in Ireland to be inrolled in the Court of Chancery there.

\* \* \* \* \*

LXXI. AND be it further enacted, that lands to be sold, whether freehold or leasehold, or of any other tenure, where the money arising from the sale thereof shall be subject to be invested in the purchase of lands to be settled so that any person, if the lands were purchased, would have an estate tail therein, and also money subject to be invested in the purchase of lands to be settled so that any person, if the lands were purchased, would have an estate tail therein, shall for all the purposes of this Act be treated as the lands to be purchased, and be considered subject to the same estates as the lands to be purchased would, if purchased, have been actually subject to; and all the previous clauses in this Act, so far as circumstances will admit, shall in the case of the lands to be sold as aforesaid being either freehold or leasehold, or of any other tenure, except copy of court roll, apply to such lands in the same manner as if the lands to be purchased with the money to arise from the sale thereof were directed to be freehold, and were actually purchased and settled; and shall, in the case of the lands to be sold as aforesaid being held by copy of court roll, apply to such lands in the same manner as if the lands to be purchased with the money to arise from the sale thereof were directed to be copyhold, and were actually purchased and settled; and shall, in the case of money subject to be invested in the purchase of lands to be so settled as aforesaid, apply to such money in the same manner as if such money were directed to be laid out in the purchase of freehold lands, and such lands were actually purchased and settled; save and except that in every case where under this clause a disposition shall be to be made of leasehold lands for years absolute or determinable, so circumstanced as aforesaid, or of money so circumstanced as aforesaid, such leasehold lands or money shall, as to the person in whose favour or for whose benefit the disposition is to be made, be treated as personal estate, and, except in case of bankruptcy, the assurance by which the disposition of such leasehold lands or money shall be effected shall be an assignment by deed, which shall have no operation under this Act unless inrolled in his Majesty's High Court of Chancery within six calendar months after the execution thereof; and in every case of bankruptcy the disposition of such leasehold

The previous clauses, with certain variations, shall apply to lands of any tenure to be sold, where the purchase money is subject to be invested in the purchase of lands to be entailed, and also to money subject to be invested in like manner.

lands or money shall be made by the commissioner, and completed by inrolment, in the same manner as herein-before required in regard to lands not held by copy of court roll.

The preceding clause shall, in cases of bankruptcy, apply to lands of any tenure in Ireland, to be sold, where the purchase money is subject to be invested in the purchase of lands to be entailed, and money in Ireland, subject to be invested in like manner.

LXXII. AND be it further enacted, that so far as regards any person adjudged a bankrupt under any such fiat as aforesaid, the provisions of the clause lastly herein-before contained shall, for the benefit of the creditors of the bankrupt, apply to lands in Ireland to be sold whether freehold or leasehold, or of any other tenure, where the money arising from the sale thereof shall be subject to be invested in the purchase of lands to be settled so that the bankrupt, if the lands were purchased, would have an estate tail therein, and also to money under the control of any court of equity in Ireland or of or to which any individuals as trustees may be possessed or entitled in Ireland, and which shall be subject to be invested in the purchase of lands to be settled so that the bankrupt, if the lands were purchased, would have an estate tail therein, as fully and effectually as if this Act had throughout extended to Ireland: Provided always, that every deed to be executed by any commissioner or protector, in pursuance of this clause, in regard to lands in Ireland to be so sold as aforesaid, shall be inrolled in his Majesty's High Court of Chancery in Ireland within six calendar months after the execution thereof; but every deed to be executed by any commissioner or protector, in pursuance of this clause, in regard to money subject to be invested in the purchase of lands to be so settled as aforesaid, shall be inrolled in his Majesty's High Court of Chancery in England within six calendar months after the execution thereof, and not in his Majesty's High Court of Chancery in Ireland; saving always the rights of the King's most excellent Majesty, his heirs and successors, to any reversion or remainder in the crown in lands in Ireland to be sold.

Deeds need not be acknowledged before inrolment.

LXXIII. AND be it further enacted, that any rule or practice requiring deeds to be acknowledged before inrolment shall not apply to any deed by this Act required to be inrolled in his Majesty's High Court of Chancery in England or Ireland.

Every deed to be inrolled by which lands or money shall be disposed of under this Act shall, when inrolled, take effect as if inrolment not required.

LXXIV. AND be it further enacted, that every deed required to be inrolled in his Majesty's High Court of Chancery in England or Ireland, by which lands or money subject to be invested in the purchase of lands shall be disposed of under this Act, shall, when inrolled as required by this Act, operate and take effect in the same manner as it would have done if the inrolment thereof had not been required, except that every such deed shall be void against any person claiming the lands or money thereby disposed of, or any part thereof, for valuable consideration, under any subsequent deed duly inrolled under this Act, if such subsequent deed shall be first inrolled.

The Court of Chancery to regulate the fees to be paid for the inrolment of deeds, &c.

LXXV. AND be it further enacted, that it shall be lawful for his Majesty's High Court of Chancery in England, as to deeds to be inrolled in England under this Act, and for his Majesty's High Court of Chancery in Ireland, as to deeds to be inrolled in Ireland under this Act, from time to time to make such orders as the court shall think fit touching the amount of the fees and charges to be paid for the inrolment of such deeds, and to be paid for searchers for such deeds in the office of inrolments, and to be paid for copies of the inrolments of deeds under this Act, where such copies are examined with the inrolments, and signed by the proper officer having the custody of such inrolments.

**LXXVI.** And be it further enacted, that it shall be lawful for his Majesty's Court of Common Pleas at Westminster from time to time to make such orders as the court shall think fit touching the amount of the fees and charges to be paid for the entries of deeds by this Act required to be entered on the court rolls of manors and for the indorsements thereon, and for taking the consents of the protectors of settlements of lands held by copy of court roll, where such consents shall not be given by deed, and for taking surrenders by which dispositions shall be made under this Act by tenants in tail of lands held by copy of court roll, and for entries of such surrenders or the memorandums thereof on the court rolls.

The Court of Common Pleas to regulate the fees for entries on court rolls and indorsements on deeds, and for taking consents, &c.

**LXXVII.** AND be it further enacted, that after the thirty-first day of December one thousand eight hundred and thirty-three it shall be lawful for every married woman, in every case except that of being tenant in tail, for which provision is already made by this Act, by deed to dispose of lands of any tenure, and money subject to be invested in the purchase of lands, and also to dispose of, release, surrender, or extinguish any estate which she alone, or she and her husband in her right, may have in any lands of any tenure, or in any such money as aforesaid, and also to release or extinguish any power which may be vested in or limited or reserved to her in regard to any lands of any tenure, or any such money as aforesaid, or in regard to any estate in any lands of any tenure or in any such money as aforesaid, as fully and effectually as she could do if she were a feme sole; save and except that no such disposition, release, surrender, or extinguishment shall be valid and effectual, unless the husband concur in the deed by which the same shall be effected, nor unless the deed be acknowledged by her as herein-after directed: Provided always, that this Act shall not extend to lands held by copy of court roll of or to which a married woman, or she and her husband in her right may be seised or entitled for an estate at law, in any case in which any of the objects to be effected by this clause could before the passing of this Act have been effected by her, in concurrence with her husband, by surrender into the hands of the lord of the manor of which the lands may be parcel.

A married woman, with her husband's concurrence, may dispose of lands, and money subject to be invested in the purchase of lands, and any estate therein; and may release and extinguish powers, as a feme sole.

This Act shall not extend to copyholds of married women in certain cases.

**LXXVIII.** PROVIDED always, and be it further enacted, that the powers of disposition given to a married woman by this Act shall not interfere with any power which, independently of this Act, may be vested in or limited or reserved to her, so as to prevent her from exercising such power in any case, except so far as by any disposition made by her under this Act she may be prevented from so doing in consequence of such power having been suspended or extinguished by such disposition.

The powers of disposition given to a married woman by this Act not to interfere with any other powers.

**LXXIX.** AND be it further enacted, that every deed to be executed by a married woman for any of the purposes of this Act, except such as may be executed by her in the character of protector for the sole purpose of giving her consent to the disposition of a tenant in tail, shall, upon her executing the same, or afterwards, be produced and acknowledged by her as her act and deed before a judge of one of the superior courts at Westminster, or a master in Chancery, or before two of the perpetual commissioners, or two special commissioners, to be respectively appointed as herein-after provided.

Every deed by a married woman under this Act, not executed by her as protector, to be acknowledged by her before a judge, &c.

**LXXX.** AND be it further enacted, that such judge, master in Chancery, or commissioners as aforesaid, before he or they shall receive the acknowledgment by any married woman of any deed by which any disposition, release,

The judge, &c. before receiving such acknowledgment,

to examine her  
apart from her  
husband.

surrender, or extinguishment shall be made by her under this Act, shall examine her, apart from her husband, touching her knowledge of such deed, and shall ascertain whether she freely and voluntarily consents to such deed, and, unless she freely and voluntarily consent to such deed, shall not permit her to acknowledge the same; and in such case such deed shall, so far as relates to the execution thereof by such married woman, be void.

Appointment,  
&c. of perpetual  
commissioners  
for taking  
acknowledg-  
ments for each  
county or  
place; and  
making out  
and keeping  
of lists of the  
commissioners  
and delivery of  
copies thereof.

LXXXI. AND be it further enacted, that for the purpose of providing convenient means of taking acknowledgments by married women of the deeds to be executed by them as aforesaid, the lord chief justice of the Court of Common Pleas at Westminster shall from time to time appoint such proper persons as he shall think fit, for every county, riding, division, soke, or place for which there may be a clerk of the peace, to be perpetual commissioners for taking such acknowledgments, and such commissioners shall be removable by and at the pleasure of the said lord chief justice; and lists of the names of such commissioners for the time being, with the names of their places of residence, and the counties, ridings, divisions, sokes, or places for which they shall be respectively appointed to act, shall from time to time be made out and be kept by the officer of the Court of Common Pleas at Westminster with whom the certificates of the acknowledgments by married women are to be lodged as herein-after mentioned; and such officer shall from time to time transmit, without fee or reward, to the clerk of the peace for each county, riding, division, soke, or place, or his deputy, a copy of the list to be so from time to time made out for that county, riding, division, soke, or place, and such officer shall deliver a copy, signed by him, of the list for the time being for any county, riding, division, soke, or place, to any person applying for the same; and the clerk of the peace for each county, riding, division, soke, or place, or his deputy, shall deliver a copy, signed by him, of the list last transmitted to him as aforesaid to any person applying for the same.

Power of per-  
petual commis-  
sioners not  
confined to any  
particular  
place.

LXXXII. PROVIDED always, and be it further enacted, that any person appointed commissioner for any particular county, riding, division, soke, or place, shall be competent to take the acknowledgment of any married woman wheresoever she may reside, and wheresoever the lands or money in respect of which the acknowledgment is to be taken may be.

If, from being  
beyond seas,  
&c. a married  
woman be pre-  
vented from  
making the  
acknowledg-  
ment before  
a judge, &c.,  
special com-  
missioners to  
be appointed.

LXXXIII. AND be it further enacted, that in those cases where, by reason of residence beyond seas, or ill-health, or any other sufficient cause, any married woman shall be prevented from making the acknowledgment required by this Act before a judge or a master in Chancery, or any of the perpetual commissioners to be appointed as aforesaid, it shall be lawful for the Court of Common Pleas at Westminster, or any judge of that court, to issue a commission specially appointing any persons therein named to be commissioners to take the acknowledgment by any married woman to be therein named of any such deed as aforesaid: Provided always, that every such commission shall be made returnable within such time, to be therein expressed, as the said court or judge shall think fit.

When a mar-  
ried woman  
shall acknow-  
ledge a deed,  
the person  
taking the  
acknowledg-

LXXXIV. AND be it further enacted, that when a married woman shall acknowledge any such deed as aforesaid, the judge, master in Chancery, or commissioners taking such acknowledgment shall sign a memorandum, to be endorsed on or written at the foot or in the margin of such deed; which memorandum, subject to any alteration which may from time to time be

directed by the Court of Common Pleas, shall be to the following effect; ment shall sign  
videlicet. a memorandum thereon to the

' THIS deed, marked [here add some letter or other mark, for the purpose  
of identification;] was this day produced before me [or us] and acknow-  
ledged by                      therein named to be her act and deed ; previous to  
which acknowledgment the said                      was examined by me [or us],  
separately and apart from her husband, touching her knowledge of the  
contents of the said deed and her consent thereto, and declared the same  
to be freely and voluntarily executed by her.'

And the same judge, master in Chancery, or commissioners shall also sign a certificate of the taking of such acknowledgment, to be written or engrossed on a separate piece of parchment; which certificate, subject to any alteration which may from time to time be directed by the Court of Common Pleas, shall be to the following effect; videlicet,

THESE are to certify, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the  
 year one thousand eight hundred and \_\_\_\_\_ before me the  
 undersigned Sir Nicholas Conyngham Tindal, lord chief justice of the Court  
 of Common Pleas at Westminster, [or before me Sir James Parke knight,  
 one of the justices of the Court of King's Bench at Westminster, or before  
 me the undersigned James William Farrer, one of the masters in ordinary of  
 the Court of Chancery, or before us A.B. \_\_\_\_\_ and C.D.]

two of the perpetual commissioners appointed for the  
for taking the acknowledgments of deeds by married  
women, pursuant to an Act passed in the                      year of the reign of  
his Majesty King William the Fourth, intituled An Act [insert the title of  
this Act], or before us the undersigned A.B.                      and C.D.

two of the commissioners specially appointed pursuant to an Act passed in the \_\_\_\_\_ year of the reign of his Majesty King William the Fourth, intituled An Act [insert the title of this Act], for taking the acknowledgment of any deed by \_\_\_\_\_ the wife of \_\_\_\_\_ ] appeared personally \_\_\_\_\_ the wife of \_\_\_\_\_ and produced a certain indenture, marked [here add the mark], bearing date the \_\_\_\_\_ day of \_\_\_\_\_ and made between [insert the names of the parties], and acknowledged the same to be her act and deed: And I [or we] do hereby certify that the said \_\_\_\_\_ was, at the time of her acknowledging the said deed, of full age and competent understanding, and that she was examined by me [or us], apart from her husband, touching her knowledge of the contents of the said deed, and that she freely and voluntarily consented to the same.'

**LXXXV.** AND be it further enacted, that every such certificate as aforesaid of the taking of an acknowledgment by a married woman of any such deed as aforesaid, together with an affidavit by some person verifying the same, and the signature thereof by the party by whom the same shall purport to be signed, shall be lodged with some officer of the Court of Common Pleas at Westminster, to be appointed as herein-after mentioned; and such officer shall examine the certificate, and see that it is duly signed, either by some judge or master in Chancery, or by two commissioners appointed pursuant to this Act, and duly verified by affidavit as aforesaid, and shall also see that it contains such statement of particulars as to the consent of the married

Certificate, with affidavit verifying the same, to be lodged with some officer of the Court of Common Pleas, who shall cause the same to be filed of record in the court.

woman as shall from time to time be required in that behalf; and if all the requisites in this Act in regard to the certificate shall have been complied with, then such officer shall cause the said certificate and the affidavit to be filed of record in the said Court of Common Pleas.

On filing certificate, the deed, by relation, to take effect from time of acknowledgment.

LXXXVI. AND be it further enacted, that when the certificate of the acknowledgment of a deed by a married woman shall be so filed of record as aforesaid, the deed so acknowledged shall, so far as regards the disposition, release, surrender, or extinguishment thereby made by any married woman whose acknowledgment shall be so certified concerning any lands or money comprised in such deed, take effect from the time of its being acknowledged, and the subsequent filing of such certificate as aforesaid shall have relation to such acknowledgment.

The officer with whom the certificates are lodged to make an index of the same.

LXXXVII. AND be it further enacted, that the officer of the Court of Common Pleas with whom such certificates as aforesaid shall be lodged shall make and keep an index of the same; and such index shall contain the names of the married women and their husbands alphabetically arranged, and the dates of such certificates and of the deeds to which the same shall respectively relate, and such other particulars as shall be found convenient; and every such certificate shall be entered in the index as soon as may be after such certificate shall have been filed.

Officer to deliver copies of certificate, which shall be evidence.

LXXXVIII. AND be it further enacted, that after the filing of any such certificate as aforesaid the officer with whom the certificate shall be lodged shall at any time deliver a copy, signed by him, of any such certificate to any person applying for such copy; and every such copy shall be received as evidence of the acknowledgment of the deed to which such certificate shall refer.

Chief justice of Common Pleas to appoint the officer with whom the certificates shall be lodged; and the court to make orders touching the examination, memorandums, certificates, affidavits, &c.

LXXXIX. AND be it further enacted, that the lord chief justice of the Court of Common Pleas at Westminster shall from time to time appoint the person who shall be the officer with whom such certificates as aforesaid shall for the time being be lodged, and may remove him at pleasure; and the Court of Common Pleas at Westminster shall also from time to time make such orders and regulations as the court shall think fit touching the mode of examination to be pursued by the commissioners to be appointed under this Act, and touching the particular matters to be mentioned in such memorandums and certificates as aforesaid, and the affidavits verifying the certificates, and the time within which any of the aforesaid proceedings shall take place, and touching the amount of the fees or charges to be paid for the copies to be delivered by the clerks of the peace or their deputies or by the officer of the said court, as herein-before directed, and also of the fees or charges to be paid for taking acknowledgments of deeds and for examining married women, and for the proceedings, matters, and things required by this Act to be had, done, and executed for completing and giving effect to such acknowledgments and examinations.

A married woman to be separately examined on the surrender of an equitable estate in copyholds as if such estate were legal.

XC. AND be it further enacted, that in every case in which a husband and wife shall, either in or out of court, surrender into the hands of the lord of a manor any lands held by copy of court roll, parcel of the manor, and in which she alone, or she and her husband in her right, may have an equitable estate, the wife shall, upon such surrender being made, be separately examined by the person taking the surrender in the same manner as she would have been if the estate to which she alone, or she and her husband in her right, may be entitled

in such lands, were an estate at law instead of a mere estate in equity; and every such surrender, when such examination shall be taken, shall be binding on the married woman and all persons claiming under her; and all surrenders heretofore made of lands similarly circumstanced, where the wife shall have been separately examined by the person taking the surrender, are hereby declared to be good and valid.

XCI. PROVIDED always, and be it further enacted, that if a husband shall, in consequence of being a lunatic, idiot, or of unsound mind, and whether he shall have been found such by inquisition or not, or shall from any other cause be incapable of executing a deed, or of making a surrender of lands held by copy of court roll, or if his residence shall not be known, or he shall be in prison, or shall be living apart from his wife, either by mutual consent or by sentence of divorce, or in consequence of his being transported beyond the seas, or from any other cause whatsoever, it shall be lawful for the Court of Common Pleas at Westminster, by an order to be made in a summary way upon the application of the wife, and upon such evidence as to the said court shall seem meet, to dispense with the concurrence of the husband in any case in which his concurrence is required by this Act or otherwise; and all acts, deeds, or surrenders to be done, executed, or made by the wife in pursuance of such order in regard to lands of any tenure, or in regard to money subject to be invested in the purchase of lands, shall be done, executed, or made by her in the same manner as if she were a feme sole, and when done, executed, or made by her shall (but without prejudice to the rights of the husband as then existing independently of this Act) be as good and valid as they would have been if the husband had concurred: Provided always, that this clause shall not extend to the case of a married woman where under this Act the lord high chancellor, lord keeper or lords commissioners for the custody of the great seal, or other the person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, or his Majesty's High Court of Chancery, shall be the protector of a settlement in lieu of her husband.

Court of Common Pleas in the case of a husband being lunatic, &c. may dispense with his concurrence, except where the lord chancellor or other persons intrusted with lunatics, or the Court of Chancery, shall be the protector of a settlement in lieu of the husband.

XCII. AND be it further enacted, that this Act shall not extend to Ireland, except where the same is expressly mentioned.

Extent of Act.

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## CHAPTER LXXVI.

AN ACT to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in Scotland. [28th August 1833.]

WHEREAS the right of electing the common councils and magistrates of the royal burghs of Scotland appears to have been originally in certain large classes of the inhabitants of such burghs, by the abrogation of which ancient and wholesome usage much loss, inconvenience, and discontent have been occasioned, and still exist; for redress and prevention whereof it is expedient that an immediate remedy be applied, and that the close system of election now practised in these burghs should be forthwith abolished, and

[\* This Act is rep., 15 & 16 Vict. c. 32. s. 10., in so far as the same or any part thereof is inconsistent with the provisions of that Act.]



Qualifications  
of electors of  
town councils  
in burghs.

2 & 3 Will. 4.  
c. 65.

their ancient free constitutions substantially restored: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the period when this Act shall come into operation the right of electing the town councils in all such burghs respectively (except in those contained in schedule (F.) to this Act annexed) shall be in and belong to all such persons, and to such only (except as herein-after excepted), as are or shall be qualified, as owners or occupants of premises within the royalty, whether original or extended, of any such burgh, to vote in the election of a member of Parliament for such burgh by virtue of an Act passed in the second and third year of the reign of his Majesty King William the Fourth, intituled "An Act to amend the representation of the people in Scotland," and as are duly registered as such voters in the registers by the said recited Act appointed to be kept, and also in all such persons who are possessed of the qualification described in the said recited Act, in respect of the property or occupancy of any house or other subject therein described of the value thereby required, within the royalty of any royal burgh not now entitled to send members to Parliament: Provided always, that all such electors who may be qualified as herein-before provided shall have resided for six calendar months next previous to the last day of June in this and all future years within the royalty of such burgh, or within seven statute miles of some part thereof: Provided also, that no person shall be entitled to vote who has been in the receipt of parochial relief, or who has been a pensioner of any corporation, within twelve months of any such annual election, or for any burgh of which he may have been town clerk at the time of such election, or at making up the list or roll of electors with a view to such election.

Ascertainment  
of electors in  
burghs not  
sending mem-  
bers to Par-  
liament.

II. AND be it enacted, that every person claiming to be entitled to vote in the election of the council of any royal burgh not now entitled to send members to Parliament shall, on or before the twentieth day of September in the present and the twenty-first day of July in any succeeding year, give in his claim, subscribed by himself or his agent, to the town clerk of such burgh, such claim being in the form, as nearly as may be, of the first part of schedule (A.) to this Act annexed, together with any written title or other evidence he may choose to produce along with such claim; and such town clerk, immediately on receiving such claim, shall mark upon it the date when it was delivered to him, by filling up, as nearly as may be, the form of the second part of the said schedule (A.) to this Act annexed, and within four days after the last day for receiving such claims, and after consulting with the provost or chief magistrate of such burgh, shall give or cause to be given intimation of all such claims by affixing on the church doors of the several parishes within the royalty of such burgh, fourteen days at least before the time when such claims are intended to be taken into consideration, a written or printed list of all such claimants, together with a notice specifying the place where and the day and the hour at which such claims are to be considered; and the said notice shall also bear that any objection to such claims will be at the same time taken into consideration, provided such objections shall be lodged with the town clerk and intimated to the party objected to, by either delivering a copy of the objection to him personally, or leaving the

same at his dwelling house, or transmitting it to him by post, seven days previous to the day appointed for considering the same and deciding upon such claims (all such objections being signed by the party objecting or his agent, and being drawn up, as nearly as may be, in the form of the schedule (B.) to this Act annexed); and the persons claiming and the persons objecting to such claim shall have access to see such claims and objections in the town clerk's office at all seasonable hours, without payment of any fee for such inspection, and to obtain extracts therefrom, paying for any copy or extract of the same at the rate of sixpence for every seventy-two words: Provided always, that every such chief magistrate shall be obliged, within four days after the said twenty-first day of July, to fix on and communicate to the town clerk a day for taking such claims and objections into consideration, which day shall not be less than twenty or more than twenty-five days after the said twentieth day of September in the present and the said twenty-first day of July in all future years.

III. AND be it enacted, that the provost or chief magistrate, or, in case of his absence or disability, the senior magistrate capable of attending in each such burgh, shall, if required by any three or more persons claiming or objecting as aforesaid, previous to the day appointed for the consideration of such claims and objections, make choice of and appoint a person of the profession of the law to be an assessor or assistant to him in the decision thereof, such assessor being always an advocate or a writer to the signet, or a solicitor of supreme courts, or a procurator in the inferior courts, of not less than three years standing respectively; and such provost or chief or senior magistrate and assessor shall, at the hour appointed, proceed to consider the claims and objections lodged, and shall hear the parties or their agents thereupon, and receive all competent evidence which either party may produce in support of his claim or objection respectively; but no written pleadings shall be admitted, nor any record kept of the proceedings, except that the magistrate or assessor shall make a note of the witnesses who may be examined, and authenticate by his signature any document or written evidence which may be produced; and no other witnesses shall be examined, and no other documents produced, in any court of review, than those so noted and authenticated; and, where satisfied that the claim is good, the said magistrate shall write thereon the word "admit," and sign his name thereto, and, where satisfied that the claim is bad, he shall write thereon the word "reject," and sign his name thereto; and, where the claim shall be sustained, the claimant's name shall be enrolled or entered by the town clerk of such burgh in the list or roll of electors to be kept for such burgh in manner herein-after directed.

Decision of  
claims and  
objections.

[IV.\*] AND be it enacted, that the respective town clerks of each royal burgh shall, on or before the twentieth day of October in the present and on or before the sixteenth day of September in all future years, make up and complete a list or roll of persons entitled to vote in the election of the common council of such burgh in manner following; videlicet, the town clerk of each

Lists of elec-  
tors shall be  
made up.

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[\* So much of this Act as enacts that the town clerk of each burgh shall on or before the sixteenth of September in each year make up and complete the list or roll of persons entitled to vote in the election of the common council of the burgh, rep., 19 & 20 Vict. c. 58. s. 32.]

burgh which, in virtue of the said recited Act, sends either severally, or in combination with any other burgh or burghs, a member or members to Parliament, shall make up and complete such list by transferring from the parliamentary register for such burgh to such list or roll the names of all the voters contained in such register entitled to vote in the election of a member of Parliament as are so registered in respect of properties situated within the royalty, whether original or extended, of such burgh, without requiring any claim, or admitting any objection against the persons so registered; and the respective town clerks of such of the royal burghs as do not now send or contribute to send a member to Parliament shall in like manner make up a complete list or roll of all the persons, qualified in manner aforesaid, who shall have been admitted as electors by the chief or senior magistrates of such burghs respectively in manner herein-before directed.

Lists to be  
corrected  
annually.

[V.\*] AND be it enacted, that each town clerk shall, in every succeeding year, keep his list or roll of electors in the town clerk's office, or other place appointed for keeping the records of such burgh, accessible, without fees, at all seasonable hours, from the first to the tenth day of August; and within five days after the last of these days any person intending to object to the continuance of any name on the said list or roll, in any burgh not contained in the said recited Act, shall be bound to give in his objections to such town clerk, in the same way and manner, and to be disposed of by such town clerk and provost or chief or senior magistrate and assessor in all respects, as objections against original claims are herein-before and after directed to be disposed of; and each town clerk in such burghs shall, on or before the tenth day of September in each such year, proceed to correct and complete such list or roll of electors by removing therefrom all the names to which such objections shall have been sustained, and also the names of any persons who may be known to have died since such list or roll was last completed, and shall also insert in such list or roll the names of any persons who shall respectively have been admitted as electors by the provost or chief or senior magistrate of such burghs respectively, in manner herein-before directed; and each town clerk in the burghs contained in the said recited Act shall in like manner correct and complete his list of electors, on or before the sixteenth day of September, by removing therefrom the names of such as may have died, and adding the names of those who may have been inserted in the register appointed by the said recited Act since it was made up in the previous year, in respect of premises situate within the royalty of any such burgh; and all persons interested shall be entitled to extracts from the said lists, paying the town clerk for every extract at the rate of sixpence for every seventy-two words contained therein.

Extracts may  
be obtained.

Appeal from  
decisions to  
the court of

[VI.<sup>b</sup>] AND be it enacted, that if either party shall be dissatisfied with the decision of the provost or chief magistrate and assessor, admitting or rejecting

[\* So much of this Act as enacts that the town clerk of each burgh shall on or before the sixteenth of September in each year make up and complete the list or roll of persons entitled to vote in the election of the common council of the burgh, rep., 19 & 20 Vict. c. 58. s. 32.]

[<sup>b</sup> All enactments in force regarding appeals from the judgments of sheriffs in registration courts for counties and burghs, are rep., 31 & 32 Vict. c. 48. s. 22.]

any claimant for the right of electing councillors, in any burgh not contained in the said recited Act, it shall be competent to such party, within two days of the date of the decision, but not thereafter, to appeal to the court of review appointed by the said recited Act for deciding upon appeals as to the registration of voters for members of Parliament for the district within which such burgh may be situate, the appellant always giving notice, within the time above specified, to the town clerk of such burgh and to the opposite party, of such appeal, the notice to the said party being either delivered personally, left at his dwelling place, or transmitted through the post office, and producing to the court of appeal evidence of such notice before such appeal shall be heard; and it shall be competent for such court of appeal, if it shall affirm the judgment appealed from, to find expences due by the appellant, and to decern for the same; and upon production of the judgment of such court, or an extract thereof, to the town clerk, keeper of the list or roll of electors of such burgh, such town clerk shall forthwith, where necessary, alter and correct such list or roll in accordance with the judgment of such court; . . . . .

review under  
2 & 3 Will. 4.  
c. 65.

VII. AND be it enacted, that the several burghs contained in the schedule marked (C.) to this Act annexed shall be divided into wards or districts, which, together with the number of councillors to be chosen by each such ward or district, shall be fixed and ascertained by the commissioners named and appointed by his Majesty to inquire into and report upon the condition of the several burghs and towns of Scotland by virtue of a commission dated on the fifteenth day of July in the present year; and such commissioners shall have regard to its being the purport and meaning of this Act that the number of wards shall be such that each ward shall, at the first election to be made under this Act, choose, as nearly as may be, the number of six councillors, and at the subsequent annual elections in each succeeding year the number of two councillors; and the said commissioners shall, upon such division being made and completed, report the same to his Majesty's privy council, who shall cause such report to be published by royal proclamation in the gazette; and the number and limits of such districts, and the number of councillors to be elected by each such district, being so fixed, reported, and published, shall be held and taken to be a part of this Act, in the same manner and to the same effect as if the same were particularly set forth and enacted herein.

Certain burghs  
to be divided  
into wards and  
districts.

[VIII.\*] AND be it enacted, that (with and under the exceptions hereinafter provided) upon the first Tuesday of November next the electors qualified and entered in the list or roll made up as aforesaid shall, in each of the said royal burghs not contained in schedule (F.) to this Act annexed, choose from among such of their own number as either reside within the boundaries assigned to such burgh by the said recited Act, or as may carry on business or reside within the royalty thereof, such a number of councillors as by the set or usage of each burgh respectively at present constitutes the common council of such burgh, or where such number admits of variation, then the smallest number which may by the existing set and usage constitute a full council in any such burgh, in manner following; that is to say, in all such

First election  
of councillors  
in burghs con-  
tained in sche-  
dule (C.).

[\* Section 8 is rep., so far as it provides that the election shall be by "open" poll, 35 & 36 Vict. c. 33. s. 32. (temp.)]

burghs as are contained in the said schedule (C.), and divided into wards or districts as aforesaid, the qualified electors of each district whose names shall be in the said list or roll of such electors shall, at some place or places to be appointed for each such ward or district, of which intimation shall be made by notice affixed on the church doors of the several parishes of such burgh ten days at least previous to such election, proceed to elect, from and among the persons contained in the list or roll of the whole electors for such burgh, as many councillors for such burgh, being either resident or personally carrying on business as herein-before provided, as shall, by the report of the commissioners aforesaid, and the proclamation thereof aforesaid, have been fixed and ascertained as the number of councillors to be elected in each such ward, by open poll, to be taken in the presence of the provost or chief or senior magistrate of such burgh, or of a legal substitute or substitutes to be appointed by him to officiate and preside at the polling place or polling places in each such ward or district from among the persons of the law described and qualified as aforesaid in relation to the assessor to be appointed by any chief magistrate to judge of the claims of enrolment to be made as aforesaid; and the town clerks of such burghs, or the persons who may be appointed by the provost or chief magistrate thereof to officiate as poll clerks in the several wards thereof, which persons such provost or chief magistrate is hereby authorized to appoint, shall each have with him a certified copy of that part of the foresaid list or roll which contains the names of the voters qualified in respect of property situate in each such district, according to which the votes shall be taken; and it shall not be competent at such poll to inquire into any other facts but the identity of the party tendering a vote and the person mentioned in the list or roll, his still holding the qualification there mentioned, and his not having previously voted at the same election; all which facts it shall only be competent to prove by the oath of the party so tendering his vote, if required by any other voter on the list or roll; and no other oath shall be put at such election except only an oath against bribery, which, if required by any voter on the roll, shall also be put by the magistrate or substitute at each polling place; which two oaths shall be put in the form of schedules (D.) and (E.) to this Act annexed; . . . . .

Time of poll  
and polling  
places.

IX. AND be it enacted, that no poll by this Act authorized shall be kept open for more than one day, and that only between the hours of eight in the morning and four in the afternoon, it being competent to the town clerk to appoint as many polling places in each ward, and as many booths or divisions at each polling place, as may be necessary for completing the said elections within the said period.

Ascertainment  
and declaration  
of result of  
poll in burghs  
contained in  
schedule (C.).

[X.\*] AND be it enacted, that at all such elections of councillors for the burghs contained in the said schedule (C.) the poll books for the several wards or districts of the said burghs shall, at the close of the poll, be sealed up by the persons who shall have presided at the elections of the several wards and taken the polls thereat, and shall be transmitted to the provost or chief or senior magistrate, who, on the next lawful day after the receipt of the same, between the hours of twelve and two, and within the town house or other public

[\* Section 10 is rep., so far as it relates to poll books, 35 & 36 Vict. c. 33. s. 32. (temp.)]

building of such burgh, shall openly break the seals, and with the assistance of the town clerk, and such other persons as he may think fit to employ, shall cast up the votes given, and shall declare upon whom the election has fallen by the majority of votes (making a double return in any case where the votes shall be equal), and shall forthwith give, or cause to be given, notice in writing to the several persons elected of such their election, and require them severally to appear in the town hall or other public room aforesaid, on the second lawful day after such election, when they shall severally declare whether they accept or decline accepting the office of councillor; and if any such person shall be found to have been elected by more than one of the said wards or districts, he shall thereupon declare for which ward he intends to serve; and wherever this shall occur, or where there shall be a double return for any ward, or where any person elected shall decline accepting, then and in all such cases the presiding magistrate shall immediately appoint a new election of a councillor or councillors in place of him or them so chosen elsewhere and so declining at the distance of not more than four nor less than two days, and affix notices of the day so appointed on the church doors of the burgh; and such election shall be proceeded in in all respects in the same manner in which the first election in the said wards or districts, and the taking the poll, casting up the votes, and declaring the result, is herein-before directed to proceed, until the council of such burgh shall be completed.

[XI.] AND be it enacted, that upon the said first Tuesday of November next the qualified electors of all the said royal burghs, not contained in the said schedules (C.) or (F.), shall assemble in the town hall or other public room of such burgh, and [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)] choose from among their own number such and the like number of councillors, being resident or personally carrying on business, as herein-before provided, as by the set or usage of such burghs respectively at present constitutes the common council of such burgh, or, where this is variable, the smallest number constituting a full council, and shall declare their votes by a list containing the names of the persons for whom each elector respectively intends to vote, which several lists shall be signed by each such elector respectively, and shall be openly given in by each elector to the town clerk of such burgh on the day of election; and such town clerk, together with the provost or chief or senior attending magistrate of the burgh, who shall preside at such election, no other inquiry being permitted or other oath allowed to be tendered than as herein-after provided as to the burghs in schedule (C.), shall publicly cast up the number of votes, and shall declare upon whom the election has fallen by the majority of votes; and the provost or chief or senior magistrate shall forthwith give or cause to be given notice in writing to the several councillors elected of such their election, and call upon them severally to appear in the town hall or other public room aforesaid on the second lawful day after such election, when they shall severally declare whether they accept or decline accepting the office of councillor; and if any such person so elected shall decline to accept, or in case there shall be an equality of votes in favour of two or more persons the whole of whom cannot be received as councillors, a new election shall immediately thereafter take place for the vacant place or places of the councillor or councillors so declining to accept, or elected by equal numbers, to be intimated as herein-before provided as to the burghs in schedule (C.), and to proceed in the same

First election  
of councillors  
in burghs not  
contained in  
schedules (C.)  
or (F.).

[\* Section 11 is rep., so far as it relates to voting by lists, 35 & 36 Vict. c. 33. s. 32. (temp.)]

manner in all respects in which the election for councillors is herein-before directed to proceed, until the council of such burgh shall be completed [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)].

Election of councillors, &c. in burghs contained in schedule (F.).

XII. AND be it enacted, that nothing in this Act contained shall be held to affect or apply to the several burghs contained in schedule (F.) to this Act annexed; but the election of councillors and magistrates in all the burghs contained in the said schedule (F.) shall proceed and be conducted in the way and manner hitherto practised in such burghs, and as if this Act had not been passed. [Rep., 31 & 32 Vict. c. 108. s. 3.]

Persons elected who fail to declare acceptance shall be held to decline office.

XIII. AND be it enacted, that in all the cases of election herein-before directed, if any person elected as councillor shall fail to attend on the day appointed for declaring his acceptance, he shall be held to have declined accepting the said office, unless he then transmit to the meeting a sufficient written explanation, signed by himself or his agent, of the cause of his absence, and intimating his acceptance.

None but burghesses shall be entitled to be councillors.

[XIV.\*] AND be it enacted, that no person shall be entitled to be received and inducted as councillor who shall not, previous to such induction, be entered a burgess of the burgh for which he is so elected, wherever there is any body of burgesses in any such burgh; and each such person so elected shall produce, when he declares his acceptance, the evidence of his being such burgess; and his omission so to do shall be held to vacate his election in the same manner as if he had declined to accept: Provided always, that no merely honorary burgess shall be entitled to be so inducted, and that any person so elected shall be forthwith entitled to be entered as a burgess on payment of the ordinary fees.

Elections of councillors in succeeding years.

[XV.<sup>b</sup>] AND be it enacted, that, upon the first Tuesday of November one thousand eight hundred and thirty-four and in every succeeding year, the electors in such burghs shall in like manner, videlicet, the burghs contained in the said schedule (C.) in their several wards or districts, and the other burghs at their general meetings, assemble and elect, in manner herein-before prescribed in relation to the first election under this Act, one third part, or as nearly as may be one third part, of the council of such burghs, in the place of the third thereof who shall, as herein-after directed, go annually out of office, the wards or districts into which the burghs contained in the said schedule (C.) are divided then electing such number of councillors as by the said royal commission such wards or districts shall be directed to elect at such annual elections subsequent to the first election.

One third part of the council to go out of office annually.

XVI. AND be it enacted, that, upon the said first Tuesday of November in the year one thousand eight hundred and thirty-four and in every succeeding year, one third, or a number as near as may be to one third, of the whole council of each such burgh shall go out of office; and in the said year one thousand eight hundred and thirty-four the third who shall go out shall consist of the councillors who had the smallest number of votes at the election of councillors in this present year; and in the succeeding year, one thousand eight hundred and thirty-five, the third of the councillors first elected under this Act who shall go out shall consist of the councillors who at such first election under this Act had the next smallest number of votes (the majority

[\* Section 14 is rep., 23 & 24 Vict. c. 47. s. 1, in so far as inconsistent with that Act.]

[<sup>b</sup> Section 15 is rep., 35 & 36 Vict. c. 33. s. 32. (temp.), so far as inconsistent with that Act.]

of the council always determining, where the votes for any such persons shall have been equal, who shall be the persons to retire); and thereafter the third of the councillors so annually going out of office shall always consist of the councillors who have been longest in office: Provided always, that any councillors so going out of office shall be capable of being immediately re-elected.

XVII. AND be it enacted, that the councillors of all such burghs not contained in schedule (F.) to this Act annexed respectively so elected and accepting shall, upon the third lawful day after the election of the whole number of such councillors in the present year, assemble in the town hall or other usual public place of meeting within such burgh, and shall there, by a plurality of voices (the councillor who had the greatest number of votes at the election of councillors having a casting or double vote in case of equality), elect from among their own number a provost or chief magistrate, the number of baillies fixed by the set or usage of such burgh, a treasurer, and other usual and ordinary office bearers now existing in the council by the set or usage of each such burgh, and shall also elect the managers of any charitable or other public institution existing in or connected with such burgh, the appointment of the managers to which is at present vested in the magistrates and town council of such burgh.

Elections of provost and other officers.

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XIX. AND be it enacted, that (except as herein-after excepted) the offices and titles of deacon, and of convener and dean of guild, and of old provost and old baillie, as official and constituent members of any town council, shall, after the completion of the first elections under the provisions of this Act, cease and determine; and no distinction shall afterwards be kept up or recognized between trades baillies and merchant baillies, or trades councillors and merchant councillors, in any such council: Provided always, that (except as herein-after excepted) the duties and functions heretofore performed by the dean of guild in such council, or in any dean of guild court of such burgh, shall, in all the burghs where there now is such an officer, be performed by a member of the council to be elected, in manner herein-before provided, by the majority of councillors.

Abolition of certain official titles and functions in councils.

XX. AND be it enacted, that where any trust, management, or direction is by the terms of any public or local Act, or of any charter or deed of foundation, or other deed, conferred on any members of the council under the denomination of old provost, old baillie, or old dean of guild, or of merchant or trades baillies or merchant or trades councillors respectively, the town councils to be named and elected in terms of this Act shall, immediately after their own acceptance and induction into office, nominate and elect from their own body such a number of persons to be such trustees, managers, or directors, as are by such Acts, charters, or deeds appointed to those offices under the said denominations; and the whole powers and functions now belonging to the said offices of trustees, managers, or directors shall belong to and be as fully vested in the persons so elected, as if they had possessed the denominations used in the said Acts, charters, or deeds.

Election of certain trustees and managers.

XXI. AND be it enacted, that nothing herein contained shall be held or construed to impair the right of any craft, trade, convenery of trades, or guildry, or merchants house or trades house, or other such corporation, seve-

Saving as to rights of crafts, trades, and guildries to



elect their own officers.

rally to elect their own deacons or deacon convener, or dean of guild or directors, or other lawful officers, for the management of the affairs of such crafts, trades, conveneries of trades, or guildries, merchants or trades houses, or other such corporations; but that, on the contrary, the said several bodies shall, from and after the passing of this Act, be in all cases entitled to the free election in such form as shall be regulated by them of the said several office bearers, and other necessary officers for the management of their affairs, without any interference or controul whatsoever on the part of the town council or any member thereof.

Certain deans of guild and deacon conveners shall be members of councils ex officio.

XXII. AND be it enacted, that from and after the time when this Act comes into operation the persons elected (or to be elected) as herein-before provided to the offices of dean of guild and deacon convener or convener of trades by the convenery and guild brethren respectively in the city of Edinburgh, and to the offices of dean of guild and deacon convener by the merchants house and trades house respectively in the city of Glasgow, shall in virtue of their said elections by the said guild brethren, convenery, merchants house and trades house respectively, be constituent members of the town councils of the said cities, and shall enjoy all the powers and perform all the functions now enjoyed or performed by such office bearers in these cities; and in like manner the persons elected (or to be elected) to the offices of deans of guild by the several guildries of the city of Aberdeen and the towns of Dundee and Perth shall, in virtue of such their elections, be constituent members of the town councils of the said city and burghs respectively, and shall as such enjoy all the powers and perform all the functions now exercised or enjoyed by the existing deans of guild in the said city and burghs respectively; and the registered electors, qualified as herein-before provided, in the said cities and burghs of Edinburgh, Glasgow, Aberdeen, Dundee, and Perth, shall, in November in the present year and in all future years, elect only such a number of councillors as, with the addition of the said deans of guild and conveners to be so elected as aforesaid, make up the number of councillors now existing in the said several cities and burghs; and the councillors so elected in the said cities and burghs of Edinburgh, Glasgow, Aberdeen, Dundee, and Perth, shall not at the subsequent election of magistrates and office bearers elect any other persons to fill the offices or perform the functions of deans of guild or conveners, but these offices shall be held and exercised, in the said councils and otherwise, by the persons so elected as aforesaid in the said cities and burghs of Edinburgh, Glasgow, Aberdeen, Dundee, and Perth respectively, and by no other persons.

Certain trusts and managements shall be continued in persons elected by crafts, trades, and guildries.

XXIII. AND be it enacted, that where any trust, management, or direction of any charitable or other institutions is vested in any number of deacons, or in a deacon convener, or convener of trades, or in any dean of guild, or other office bearers elected or hereafter to be elected by the several crafts, trades, guildries, or merchants or trades houses, then and in all such cases the persons so elected as such deacons, conveners, deans of guild, or other officers shall always be and continue trustees and managers of such charities or institutions, whether such persons shall hereafter be members of council or not; and the town councils shall in no such case have power to elect from their own body any other trustees or managers in place of such deacons, conveners, deans of guild, or other officers: Provided always, that in any burgh in which trades

councillors, or merchant councillors are or may be ex officio trustees or directors of any such institutions or charities, the convenery or trades house and the guildry or merchants house in such burghs shall elect an equal number from their own bodies respectively to be such trustees or directors, any thing herein contained to the contrary notwithstanding.

XXIV. AND be it enacted, that when any magistrate or office bearer (other than the provost or chief magistrate and treasurer) shall be in the third of the council going out of office, the place of such magistrate or office bearer shall be supplied by election by the council as soon as the full number thereof shall have been completed by the annual election of the third then hereby directed to take place, the said election to be made by plurality of voices, and the chief or senior attending magistrate to have a double or casting voice in case of equality: Provided always, that the provost or chief magistrate and the treasurer shall always remain in office for the period of three years, and that they, as well as all the other magistrates or office bearers, shall at all times be capable of being re-elected.

Supply of vacancies caused by magistrates going out of office.

XXV. AND be it enacted, that if any vacancy shall in the course of the year occur in the council or magistracy or office bearers of any such burgh by death, disability, or resignation, the same shall be filled up ad interim by the remaining members of the council, by election, as herein-before provided, at a meeting to be called on five days notice by the town clerk by intimation in writing to each of such remaining members of the council; but any councillor, magistrate, or office bearer so elected ad interim shall go out of office on the first Tuesday of November next ensuing his election, and the vacancy thereby occurring shall be supplied at the next annual election of councillors and magistrates or office bearers in such burgh; provided that, if the vacancy shall have occurred in any burgh contained in the said schedule (C.), such vacancy shall at such annual election be supplied by the ward of such burgh by which the councillor who had died or resigned, or been disabled, had been elected, and which shall in this case elect an additional councillor, unless the party so dying or disabled would then have gone out of office as one of the third hereby directed to retire.

Supply of vacancies in council, &c. occurring within the year.

XXVI. AND be it enacted, that any person elected and accepting the office of councillor, magistrate, or other office bearer in any town council, under the provisions of this Act, may resign his said office at any time, upon giving not less than three weeks notice of such his intention by a written intimation to the town clerk or chief or senior magistrate; and in the event of such resignation being intimated as to be made at the period of the annual retirement of one third of the council, such additional number of councillors shall then be elected as may be necessary to complete the council: Provided always, that no fine or other penalty shall be exigible from any person either declining to accept after his election or subsequently resigning his office.

Councillors, &c. may resign.

XXVII. AND be it enacted, that where any royal burgh shall, in consequence of the decision of a court of law or otherwise, be without any legal council or magistracy at the time when this Act comes into operation, or at any future time, all the functions directed by this Act to be performed by the existing magistrates or councils shall be performed by one or more of the managers who may, by any lawful appointment, be then in the actual administration of the affairs of any such burgh.

Performance of duties under this Act in burghs having no legal councils.

No councillor,  
&c. shall hold  
the office of  
town clerk,  
&c.

XXVIII. AND be it further enacted, that no councillor, nor the partner in business of any councillor, shall be capable of holding the office of town clerk in any such burgh; and that no town clerk shall, during the period he shall hold that office, interfere directly or indirectly in the election of the magistrates or town council of any such burgh.

Town clerk  
shall give no-  
tices as to elec-  
tions.

XXIX. AND be it enacted, that all the notices or intimations hereby directed or required to be given or made in any such burgh of any meetings or proceedings to be held or had in the matter of the elections of or respecting such burgh shall, where not directed to be otherwise given, be given or made by the respective town clerks thereof.

Payment of  
fees of substi-  
tutes and as-  
sessors at  
elections and  
other election  
expences.

XXX. AND be it enacted, that the several persons officiating at elections as substitutes for the provosts or chief magistrates in the several wards or districts into which the burghs contained in the said schedule (C.) shall be divided (not being the town clerks of such burghs) shall be entitled to receive a sum not exceeding three pounds three shillings for each day they shall respectively be so employed, the poll clerks officiating at such elections being each entitled to the sum of one pound one shilling for each day; and the several persons who shall be appointed to assist the provost or chief magistrate of any of the royal burghs as assessors in disposing of claims and objections as aforesaid (not being the town clerks of such burghs) shall be paid a like sum, not exceeding three pounds three shillings, each day such persons shall be so employed; which sum, together with all the other expences attending such elections, or the making up of the lists or rolls of electors, giving notices at the church doors, and providing copies of the said rolls, or parts thereof, for the purposes of election, shall be defrayed from the common good or other means or revenues of such burghs respectively.

Powers of  
magistrates  
and councils  
elected under  
this Act.

XXXI. AND be it enacted, that the magistrates and council and office bearers to be elected under the provisions of this Act shall in all respects stand in relation to the administration of the affairs and property of such burghs, or of property under the care and management of such burghs, in the same situation in which the magistrates and council and office bearers of such burghs did stand previous to the passing of this Act; and the magistrates and council and office bearers to be elected under the provisions of this Act shall have such and the like jurisdiction, and the same rights and powers of administration of the property and affairs of the burgh, and of making all usual and necessary appointments, as heretofore lawfully belonged to and was exercised by their predecessors in office; any thing in the set, usage, or custom of any such burgh to the contrary notwithstanding.

Magistrates  
and councils  
shall annually  
make up a  
state of their  
affairs.

XXXII. AND be it enacted, that the existing magistrates and council in all royal burghs shall, on or before the fifteenth day of October in the present and in all future years, make up a distinct state of their affairs, subscribed by the chief or senior magistrate, town clerk, and treasurer, containing an account of all the funds, properties, and revenues in their administration, and of all their transactions in relation to such funds, properties, and revenues, since they came into office; which amount shall be brought down as nearly as may be to the said fifteenth day of October, and shall be kept in the town clerk's or treasurer's office, for the inspection of any of the registered electors, from the said fifteenth day of October down till the time of the election; and a full and distinct abstract of the said account, with a balance sheet, containing

all necessary particulars, shall be printed and published by the said magistrates on or before the twentieth day of the said month of October.

XXXIII. AND be it enacted, that no councillor or magistrate elected and accepting under the provisions of this Act shall incur by such election or acceptance any other responsibility for the debts of the burgh, or the acts of his predecessors in office, than might have attached to him as a burgess or inhabitant independently of such election. Councillors and magistrates shall not be liable for debts of the burgh, &c.

XXXIV. AND be it enacted, that if any magistrate, councillor, town clerk, sheriff, or other person shall wilfully contravene or disobey the provisions of this Act, he shall be liable to be sued for such offence in the Court of Session by any person aggrieved for the penal sum of three hundred pounds; which sum, or any smaller sum which may be assessed by the jury in any such action, the defender, upon conviction, shall pay to the pursuer with full costs of suit: Provided always, that every such action shall be raised within four calendar months after the cause of action shall have arisen; and that notice in writing shall be given to the defender at least one calendar month before raising the same: Provided also, that any such defender against whom judgment shall have been once recovered in such action shall be entitled to plead such judgment as a bar to any other action which may be brought against him for the same matter or thing; and such other action being thereupon dismissed, such defender shall recover his full costs of suit. Penalty for offences against this Act.

XXXV. AND be it enacted, that no misnomer or inaccurate description of any person or place in any writing made in the form of any schedule to this Act annexed, or in any list or register or notice or other writing made under authority of this Act, shall in any way prevent or abridge the operation of this Act; provided that such person or place shall be so designated in such writing, list, register, or notice, as to be commonly understood. Misnomers, &c. not to vitiate proceedings.

XXXVI. AND be it enacted, that all laws, statutes, and usages now in force respecting the royal burghs in that part of Great Britain called Scotland shall be and the same are hereby repealed in so far as they are inconsistent or at variance with the provisions of this Act, but in all other respects the same shall remain in full force and effect: Provided always, that [Rep., 35 & 36 Vict. c. 33 s. 32. (temp.)] the oath termed the burgher oath shall in no case hereafter be required to be taken in any burgh. All statutes at variance with this Act repealed.  
Burgher oath not to be taken.

XXXVII. AND be it enacted, that no irregularity or nullity in the election of any councillor or magistrate shall in any case after the passing of this Act annul or affect the election of other councillors or magistrates not liable to the same grounds of objection, but those particular elections only in which such irregularity or nullity shall have occurred. Irregularity in the election of councillors only to affect themselves.

\* \* \* \* \*

## SCHEDULES to which the foregoing Act refers.

### SCHEDULE (A.)—Part First.

City [or burgh] of

I A.B. [insert designation] hereby claim to be enrolled as a voter for the town councillors of the said city [or burgh] in respect of my interest in the house, shop, et cetera, situated in [here insert the situation of the premises, described by the street, number, parish, or other locality]; and [in cases where

the claimant chooses to make such production] in support of my claim I produce herewith a [disposition, seisin, lease, et cetera, dated, et cetera, as the case may be].

[Date.]

(Signed) A.B.

#### SCHEDULE (A.)—Part Second.

Number lodged with me C.D., town clerk of this  
day together with the disposition, seisin, lease, et cetera, above  
written [in cases where any such documents are lodged].

(Signed) C.D.

#### SCHEDULE (B.)

City [or burgh] of

I A.B. [or we C.D., E.F., et cetera,] object to the claim of A.B. to be admitted [or to continue on the roll] as a voter for councillors in the city [or burgh] of on the following ground [here may be stated shortly the grounds, as that property or occupancy not of sufficient value, that the party is not or has ceased to be proprietor, tenant, or occupant, or is personally disqualified, as being a minor, a fatuous person, et cetera]; and I crave to be heard on the said objection or objections before the chief magistrate or assessor.

[Date.]

(Signed) A.B.

#### SCHEDULE (C.)

EDINBURGH.

GLASGOW.

ABERDEEN.

DUNDEE.

PERTH.

DUNFERMLINE.

DUMFRIES.

INVERNESS.

#### SCHEDULE (D.)

I A.B. do solemnly swear [or affirm], that I am the individual described in the list or roll for the city [or burgh] of as A.B. of [here insert description in the same words as contained in the roll]; that I am still the proprietor [or occupant] of the property for which I am so enrolled, and hold the same for my own benefit, and not in trust for or at the pleasure of any other person; and that I have not already voted at this election.

#### SCHEDULE (E.)

I A.B. do solemnly swear [or affirm], that I have not received or had, by myself or any person for my use or benefit, any sum or sums of money, office,

place, or employment, gift or reward, or any promise or security for any money, office, or gift, in order to give my vote at this election.

[SCHEDULE (F.)<sup>a</sup>]

DORNOCH.  
NEW GALLOWAY.  
CULROSS.  
LOCHMABEN.  
BERVIE.

WESTER ANSTRUTHER.  
KILRENY.  
KINGHORN.  
KINTORE.

## CHAPTER LXXVII.

AN ACT to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of Scotland which now return or contribute to return Members to Parliament and are not Royal Burghs.<sup>b</sup> [28th August 1833.]

**W**HEREAS by an Act passed in the last session of Parliament, intituled “An Act to amend the representation of the people in Scotland,” the right of sending or contributing to send members to Parliament was conferred on divers burghs and towns in Scotland which were not royal burghs: And whereas there are in some of those burghs and towns no proper magistracy or councils; and the constitution of such magistracies and councils, and the mode of electing the same, where they do exist in such burghs or towns, is defective, and has given occasion to much inconvenience; for remedy whereof it is expedient that provision be now made for the due appointment and election of such magistrates and councils in all such burghs: Be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first Tuesday in November next there shall be in each of the several burghs and towns of Paisley, Greenock, Leith, and Kilmarnock the number of sixteen councillors, whereof one shall be provost, four shall be baillies, and one a treasurer; and in each of the several burghs and towns of Falkirk, Hamilton, Peterhead, Musselburgh, and Airdrie there shall be the number of twelve councillors, whereof one shall be provost, and three baillies, and one a treasurer; and in each of the several burghs or towns of Port Glasgow, Cromarty, and Portobello there shall be the number of nine councillors, whereof one shall be provost, and two baillies; and in the burgh of Oban there shall be the number of six councillors, whereof two shall be baillies.

2 & 3 Will. 4.  
c. 65.

Number of  
councillors and  
magistrates in  
certain burghs.

II. AND be it enacted, that the right of electing the councillors in each of the said burghs and towns shall be in all the persons who are qualified to vote for a member of Parliament for such burgh or town, whose names shall be on the register directed to be kept by the said recited Act, and which shall have been completed in terms thereof up to the period thereby directed next previous to the time herein-after appointed for the election of such councillors;

Qualification  
of electors of  
councillors.

<sup>a</sup> Schedule (F.) is rep., 31 & 32 Vict. c. 108. s. 3.]

<sup>b</sup> This Act is rep., 15 & 16 Vict. c. 82. s. 10., in so far as the same or any part thereof is inconsistent with the provisions of that Act.]

and such register so completed from time to time shall be and be deemed to be the register of electors of the councillors for such burghs or towns respectively.

Certain burghs  
to be divided  
into wards and  
districts.

III. AND be it enacted, that the said burghs or towns of Paisley, Greenock, Leith, and Kilmarnock shall be divided into wards or districts, which, together with the number of councillors to be chosen by each such ward or district, shall be fixed and ascertained by the commissioners named and appointed by his Majesty to inquire into and report upon the condition of the several burghs and towns of Scotland by a commission dated on the fifteenth day of July in this present year; and such commissioners shall have regard to its being the purport and meaning of this Act that the number of wards shall be such that each ward shall, at the first election to be made under this Act, choose, as nearly as may be, the number of three councillors, and at the subsequent annual elections in each succeeding year the number of one councillor; and the said commissioners shall, upon such division being made and completed, report the same to his Majesty's privy council, who shall cause such report to be published by royal proclamation in the gazette; and the number and limits of such districts, and the number of councillors to be erected by each such district, being so fixed, reported, and published, shall be held and taken to be a part of this Act, in the same manner and to the same effect as if the same were particularly set forth and enacted herein.

First election  
of councils  
for Paisley,  
Greenock,  
Leith, and  
Kilmarnock.

[IV.\*] AND be it enacted, that upon the first Tuesday of November next the electors qualified and entered in the said register shall, in each of the said burghs or towns of Paisley, Greenock, Leith, and Kilmarnock, respectively choose from among such of their own number as either reside within the boundaries assigned to such burgh or town by the said recited Act, or as carry on business personally therein, the councils of the said respective burghs or towns in manner following; that is to say, the qualified electors of each district whose names shall be in the said register shall at some place or places to be appointed for each such ward or district, of which intimation shall be made by notice affixed on the church doors of the several parishes of such burgh ten days at least previous to such election, proceed to elect from and among the persons contained in the said register such a number of councillors for such burgh or town, being either resident or personally carrying on business within such burgh or town respectively as herein-before provided, as shall by the report of the commissioners to be appointed as aforesaid, and the proclamation thereof aforesaid, have been fixed and ascertained as the number of councillors to be elected in each such ward, by open poll, to be taken at the polling place or polling places appointed for each ward, in the presence of the provost or chief or senior magistrate capable of attending in such burgh or town, or of a legal substitute to be appointed by him, such assessor being of the profession of the law, and being always an advocate, or a writer to the signet, or a solicitor in the supreme or inferior courts, of not less than three years standing respectively, to officiate and preside at the election in each such ward or district; and the town clerks of such burghs or towns, or the persons who may be appointed by the chief magistrate thereof to officiate as

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[\* Section 4 is rep., so far as it provides that the election shall be by open poll, 35 & 36 Vict. c. 33. s. 32. (temp.)]

poll clerks in the several wards thereof, which persons such provost or chief magistrate is hereby authorized to appoint, shall each have with him a certified copy of that part of the aforesaid register which contains the names of the voters qualified in respect of property situate in each such district, according to which the votes shall be taken; and it shall not be competent at such poll to inquire into any other facts than the identity of the party tendering a vote and the person mentioned in such register, his still holding the qualification there mentioned, and his not having previously voted at the same election, all which facts it shall only be competent to prove by the oath of the party so tendering his vote, if required by any other voter on the register; and no other oath shall be put at such election, except only an oath against bribery, which if required by any voter on the roll shall also be put by the magistrate or substitute at each polling place; which two oaths shall be put in the form of schedules (A.) and (B.) to this Act annexed; . . . . .

V. PROVIDED always, and be it enacted, that if in any case in which the provost or chief or senior attending magistrate is directed to preside or act in any burgh or town under this Act, in manner herein before or after provided, there shall be no such provost or chief or other magistrate, the sheriff of the county in which such burgh or town is situated, or one of his ordinary substitutes, shall preside and act as such provost or chief or other magistrate is hereby directed to preside and act as aforesaid.

In case there is no provost, &c. the sheriff of the county shall preside and act at election.

VI. AND be it enacted, that no poll by this Act authorized to be taken shall be kept open for more than one day, and that only between the hours of eight in the morning and four in the afternoon.

Time of poll.

VII. AND be it enacted, that it shall be lawful for the provost or chief or senior magistrate of any of the said burghs or towns to appoint such and as many additional polling places or booths as may be necessary for ensuring the completing of such election within one day, and also such additional assessors (to be qualified and chosen as aforesaid) and also as many poll clerks as shall be necessary for that purpose.

Provost, &c. may appoint additional polling places, assessors, &c. if necessary.

VIII. AND be it enacted, that at all such elections of councillors for the said burghs or towns the poll books for the several wards or districts of the said burghs or towns shall at the close of the poll be sealed up by the persons who shall have presided at the elections of the several wards and taken the polls thereat, and shall be transmitted to the provost or chief or senior magistrate, who on the next lawful day after the receipt of the same, between the hours of twelve and two, and within the town house or other public building of such burgh, shall openly break the seals, and, with the assistance of the town clerk and such other persons as he may think fit to employ, shall cast up the votes given, and shall declare upon whom the election has fallen by the majority of votes, (making a double return in any case where the votes shall be equal,) and shall forthwith give or cause to be given notice in writing to the several persons elected of such their election, and require them severally to appear in the town hall or other public room aforesaid on the second lawful day after such election, when they shall severally declare whether they accept or decline accepting the office of councillor; and if any such person shall be found to have been elected by more than one of the said wards or districts, he shall thereupon declare for which ward he intends to serve; and wherever this shall occur, or where there shall be a double return for any ward, or where any person elected shall decline accepting, then and in all such cases the presiding magistrate shall immediately appoint a new election for the vacant ward or district, or wards or districts, at the distance of not more than four nor less than two days, and affix notices of the day so appointed on the church doors of the burgh or town; and such election shall be proceeded in in all respects in the same manner in which the first election in the said wards or districts, and the taking the poll, casting

Poll books to be summed up by provost, who shall declare the result.



First election  
of councillors  
for Falkirk,  
&c.

up the votes, and declaring the result, is herein-before directed to proceed, until the council of such burgh shall be completed. [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

[IX.\*] AND be it enacted, that upon the said first Tuesday of November next the qualified electors of all the said burghs or towns of Falkirk, Hamilton, Musselburgh, Airdrie, Port Glasgow, Peterhead, Portobello, Cromarty, and Oban respectively and severally shall assemble in the town hall or other public place to be appointed and notified by the town clerk in each such burgh or town [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)], and choose from among their own number the number of councillors herein-before directed to be chosen for each of such burghs or towns respectively, being resident or personally carrying on business as herein-before provided, and shall declare their votes by a list containing the names of the persons for whom each elector respectively intends to vote; which several lists shall be signed by each such elector respectively, and shall be openly given in by each elector to the town clerk of such burgh or town on the day of election, no other inquiry being permitted at such election, and no other oath allowed to be administered, than as herein-before provided as to the burghs electing by poll; and such town clerk, together with the provost or chief or senior attending magistrate of the burgh or town who shall preside at such election, shall publicly cast up the number of votes, and shall declare upon whom the election has fallen by the majority of votes; and the provost or chief or senior magistrate shall forthwith give or cause to be given notice in writing to the several councillors elected of such their election, and call upon them severally to appear in the town hall or other public room aforesaid on the second lawful day after such election, when they shall severally declare whether they accept or decline accepting the office of councillor; and if any such person so elected shall decline to accept, or in case there shall be an equality of votes in favour of two or more persons, the whole of whom cannot be received as councillors, a new election shall immediately thereafter take place for the vacant place or places of the councillor or councillors so declining to accept, or elected by equal numbers, to be intimated as herein-before provided as to the burghs electing by poll, and to proceed in the same manner in all respects in which the election for councillors is herein-before directed to proceed, until the council of such burgh shall be completed [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)].

Persons elected  
who fail to  
declare accept-  
ance shall be  
held to decline  
office.

X. AND be it enacted, that in all the cases of election herein-before directed, if any person elected as councillor shall fail to attend on the day appointed for declaring his acceptance, he shall be held to have declined accepting the said office, unless he then transmit to the meeting a sufficient written explanation, signed by himself or his agent, of the cause of his absence, and intimating his acceptance.

Election of  
councillors in  
succeeding  
years.

[XI.b] AND be it enacted, that upon the first Tuesday of November one thousand eight hundred and thirty-four, and upon the same day in every succeeding year, the electors in such burghs and towns respectively shall in like manner, videlicet, the burghs or towns of Paisley, Greenock, Leith, and Kilmarnock in their several wards or districts, and the said other burghs or towns at their general meetings, assemble and elect, in manner herein-before prescribed in relation to the first election under this Act, one third part or as nearly as may be one third part of the council of each such burgh or town, in the place of the third thereof who shall, as herein-after directed, go annually out of office, the wards or districts into which the burghs or towns divided

[\* So much of section 9 as relates to voting by lists, rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

[b Section 11 is rep., 35 & 36 Vict. c. 33. s. 32. (temp.), so far as inconsistent with that Act.]

into wards or districts are divided then electing such number of councillors as by the said royal commissioners such wards or districts shall be directed to elect at such annual elections subsequent to the first election.

XII. AND be it enacted, that upon the said first Tuesday of November in the year one thousand eight hundred and thirty-four, and in every succeeding year, one third or a number as near as may be to one third of the whole council of each such burgh shall go out of office; and in the said year one thousand eight hundred and thirty-four the third who shall go out shall consist of the councillors who had the smallest number of votes at the election of councillors in this present year; and in the succeeding year, one thousand eight hundred and thirty-five, the third of the councillors first elected under this Act who shall go out shall consist of the councillors who at such first election under this Act had the next smallest number of votes (the majority of the council always determining, where the votes for any such persons shall have been equal, who shall be the persons to retire), and thereafter the third of the councillors so annually going out of office shall always consist of the councillors who have been longest in office: Provided always, that any councillors so going out of office shall be capable of being immediately re-elected.

One third part of the council to go out of office annually.

XIII. AND be it enacted, that the councillors of the said burghs or towns of Paisley, Greenock, Leith, and Kilmarnock respectively so elected and accepting shall, upon the third lawful day after the election of the whole number of such councillors in the present year, assemble in the town hall or other usual public place of meeting within such burgh or town, and shall there, by a plurality of voices (the councillor who had the greatest number of votes at the election of councillors having a casting or double vote in case of equality), elect from among their own number a provost or chief magistrate, four bailties, and a treasurer.

Election of provost and other officers in Paisley, &c.

XIV. AND be it enacted, that the councillors of the said burghs or towns of Falkirk, Hamilton, Peterhead, Musselburgh, and Airdrie respectively so elected and accepting shall, upon the third lawful day after the election of the whole number of such councillors in the present year, assemble in the town hall or other usual public place of meeting within such burgh or town, and shall there, by a plurality of voices (the councillor who had the greatest number of votes at the election of councillors having a casting or double vote in case of equality), elect from among their own number a provost, three bailties, and a treasurer.

Election of provost and other officers in Falkirk, &c.

XV. AND be it enacted, that the councillors of the said burghs or towns of Port Glasgow, Cromarty, and Portobello respectively so elected and accepting shall, upon the third lawful day after the election of the whole number of such councillors in the present year, assemble in the town hall or other usual public place of meeting within such burgh or town, and shall there, by a plurality of voices (the councillor who had the greatest number of votes at the election of councillors having a casting or double vote in case of equality), elect from among their own number a provost and two bailties.

Election of provost and bailties in Port Glasgow, &c.

XVI. AND be it enacted, that the councillors of the said burgh of Oban so elected and accepting shall, upon the third lawful day after the election of the whole number of such councillors in the present year, assemble in the town hall or other usual public place of meeting within such burgh or town, and

Election of bailties in Oban.

shall there, by a plurality of voices (the councillor who had the greatest number of votes at the election of councillors having a casting or double vote in case of equality), elect from among their own number two baillies.

Election of  
managers of  
charities, &c.  
of burghs.

XVII. AND be it enacted, that the councillors of the said several burghs or towns shall, in the like manner as they are herein-before directed to elect their magistrates, and at the same time, elect the managers of any charitable or other public institution existing in or connected with such burgh or town, the appointment of the managers of which is at present vested in the magistrates and town council of such burgh or town.

\* \* \* \* \*

Elections of  
certain trustees  
and managers.

XIX. AND be it enacted, that where any trust or management is, by the terms of any public or local Act, or of any charter or deed of foundation, or other deed, conferred on the present magistrates and council of any of the said burghs or towns, the magistrates and councils to be elected according to the provisions of this Act shall have the same powers and rights as such trustees, managers, or directors, as belong to the existing magistrates and councils; and where any such trust or management is conferred on any particular members of the present council or magistracy or office bearers of any such burgh or town, the town councils to be named and elected in terms of this Act shall immediately after their own acceptance and induction into office nominate and elect from their own body such a number of persons to be such trustees or managers as are, by such Acts, charters, or deeds, appointed to those offices under the said denominations; and the whole powers and functions now belonging to the said offices of trustees or managers shall belong to and be as fully vested in the persons so elected as if they had possessed the denominations used in the said Acts, charters, or deeds.

None but bur-  
gesses shall be  
entitled to be  
councillors.

XX. AND be it enacted, that in all burghs where there are burgesses no person shall be entitled to be received and inducted as councillor who shall not, previous to such induction, be entered a burghess of the burgh for which he is so elected; and each such person so elected shall produce, when he declares his acceptance, the evidence of his being such burghess; and his omission so to do shall be held to vacate his election in the same manner as if he had declined to accept: Provided always, that no merely honorary burgess shall be entitled to be so inducted, and that any person so elected shall be entitled to be entered as a burghess on payment of the ordinary fees to the common good of the burgh.

Saving as to  
rights of crafts,  
trades, and  
guildries to  
elect their own  
officers.

XXI. AND be it enacted, that nothing herein contained shall be held or construed to impair the right of any craft, trade, or guildry severally to elect their own deacons or deacon convener or dean of guild for the management of the affairs of such crafts, trades, or guildries; but that on the contrary the said several bodies shall, from and after the passing of this Act, be in all cases entitled to the free election of the said several office bearers and other necessary officers for the management of their affairs, without any interference or controul whatsoever on the part of the town council or any member thereof.

Supply of  
vacancies  
caused by  
magistrates  
going out of  
office.

XXII. AND be it enacted, that when any magistrate or office bearer (other than the provost or chief magistrate and treasurer) shall be in the third of the council going out of office, the place of such magistrate or office bearer shall be supplied by election by the council as soon as the full number thereof shall

have been completed by the annual election of the third then hereby directed to take place; and the said election shall be made by plurality of voices; and the chief or senior attending magistrate shall have a double or casting voice in case of equality: Provided always, that the provost or chief magistrate and the treasurer shall always remain in office for the period of three years, and that they as well as all the other magistrates or office bearers shall at all times be capable of being re-elected.

XXIII. AND be it enacted, that if any vacancy shall in the course of the year occur in the council or magistracy or office bearers of any such burgh or town by death, disability, or resignation, the same shall be filled up ad interim by the remaining members of the council by election, as herein-before provided, at a meeting to be called on five days notice by the town clerk by intimation in writing to each of such remaining members of the council; but any councillor, magistrate, or office bearer so elected ad interim shall go out of office on the first Tuesday of November next ensuing his election, and the vacancy thereby occurring shall be supplied at the next annual election of councillors and magistrates or office bearers in such burgh; provided that if the vacancy shall have occurred in any of the said burghs or towns of Paisley, Greenock, Leith, or Kilmarnock, such vacancy shall at such annual election be supplied by the ward of such burgh or town by which the councillor who had died or resigned or been disabled had been elected, and which shall in this case elect an additional councillor, unless the party so dying or disabled would then have gone out of office as one of the third hereby directed to retire.

Supply of vacancies in council, &c. occurring within the year.

XXIV. AND be it enacted, that any person elected and accepting the office of councillor, magistrate, or other office bearer in any town council under the provisions of this Act may resign his said office at any time, upon giving not less than three weeks notice of such his intention by a written intimation to the town clerk, or chief or senior magistrate; and in the event of such resignation being intimated as to be made at the period of the annual retirement of one third of the council, such additional number of councillors shall then be elected as may be necessary to complete the council: Provided always, that no fine or other penalty shall be exigible from any person either declining to accept after his election or subsequently resigning his office.

Councillors, &c. may resign.

XXV. AND be it enacted, that where any such burgh or town shall, in consequence of the decision of a court of law or otherwise, be hereafter without any legal council or magistracy, all the functions directed by this Act to be performed by the existing magistrates or councils shall be performed by one or more of the managers who may by any lawful appointment be then in the actual administration of the affairs of any such burgh or town, and in default of any such managers by the sheriff or sheriff substitute of the county.

Performance of duties under this Act in burghs having no legal councils.

XXVI. AND be it enacted, that it shall be lawful for the magistrates and council of any such burgh or town to elect a town clerk for such burgh or town for the period of one year, without prejudice to his re-election, and also without prejudice to the lawful right of any existing town clerk in any such burgh or town to hold his office of town clerk or clerk to the magistrates and council ad vitam aut culpam.

Election of town clerk.

XXVII. AND be it enacted, that all the notices or intimations hereby directed or required to be given or made in any such burgh or town of any

Town clerk, &c. shall give notices as to elections.

No councillor,  
&c. shall hold  
the office of  
town clerk, &c.

Where there  
is no parish  
church, notices  
may be given at  
principal place  
of worship.

Payment of  
fees of sub-  
stitutes and  
assessors at  
elections and  
other election  
expences.

Powers of  
magistrates  
and town coun-  
cils under this  
Act.

Magistrates  
and councils  
shall annually  
make up a  
state of their  
affairs.

meetings or proceedings to be held or had in the matter of the elections of or respecting such burgh or town shall, where not directed to be otherwise given, be given or made by the respective town clerks thereof; or in case there shall be no town clerk, the duty imposed on the town clerk by this Act shall be performed by the sheriff clerk of the county: Provided always, that no councillor, nor the partner in business of any councillor, shall be entitled to hold the office of town clerk in any such burgh or town; and that no town clerk shall directly or indirectly interfere in the election of magistrates or councillors for such burgh or town.

XXVIII. AND be it further enacted, that where there is no parish church within the burgh, the notices hereby required may be given at the principal place of public worship within the burgh.

XXIX. AND be it enacted, that the several persons officiating at elections as substitutes for the provosts or chief magistrates in the several wards or districts into which the burghs or towns of Paisley, Greenock, Leith, and Kilmarnock shall be divided (not being the town clerks of such burghs) shall be entitled to receive a sum not exceeding three pounds and three shillings for each day they shall respectively be so employed, and the poll clerks the sum of one pound and one shilling each for the same period; which sum, together with all the other expences attending such elections, or the making up of the aforesaid register, giving notices at the church doors, and providing copies of the said registers or parts thereof for the purposes of election, shall be defrayed from the common good or other means or revenues of such burghs respectively.

XXX. AND be it enacted, that the magistrates and town council to be elected for the said burghs or towns under the authority of this Act shall have such and the like rights, powers, authorities, and jurisdiction as is or are possessed by the magistrates and council of any royal burgh in Scotland; and such rights, powers, authorities, and jurisdiction shall extend equally over all and every part of the limits of such burghs or towns as described in the said recited Act of the second and third year of the reign of his present Majesty: Provided always, that the magistrates and council of such burghs or towns shall not have the power of trying for crimes punishable by death or transportation; and that the rights, powers, authorities, and jurisdiction hereby conferred shall in no case be exclusive of the authority and jurisdiction of any admiralty court or dean of guild court now lawfully established, or of the sheriff or justices of the peace of the county, over the territory within the boundaries of such burghs or towns respectively.

XXXI. AND be it enacted, that the existing magistrates and council in all the burghs contained in this Act shall, on or before the fifteenth day of October in the present and in all future years, make up a distinct state of their affairs, subscribed by the chief or senior magistrate, town clerk, and treasurer, containing an account of all the funds, properties, and revenues in their administration, and of all their transactions in relation to such funds, properties, and revenues, since they came into office; which account shall be brought down as nearly as may be to the said fifteenth day of October, and shall be kept in the town clerk's or treasurer's office, for the inspection of any of the registered electors, from the said fifteenth day of October down till the time of the election; and a full and distinct abstract of the said account, with a

balance sheet, containing all necessary particulars, shall be printed and published by the said magistrates on or before the twentieth day of the said month of October.

XXXII. AND be it enacted, that if any magistrate, councillor, town clerk, sheriff, or other person shall wilfully contravene or disobey the provisions of this Act, he shall be liable to be sued for such offence in the Court of Session by any person aggrieved for the penal sum of three hundred pounds; which sum, or any smaller sum which may be assessed by the jury in any such action, the defender, upon conviction, shall pay to the pursuer, with full costs of suit: Provided always, that every such action shall be raised within four calendar months after the cause of action shall have arisen, and that notice in writing shall be given to the defender at least one calendar month before raising the same: Provided also, that any such defender against whom judgment shall have been once recovered in such action shall be entitled to plead such judgment as a bar to any other action which may be brought against him for the same matter or thing; and such other action being thereupon dismissed, such defender shall recover his full costs of suit.

Penalty for offences against this Act.

XXXIII. AND be it enacted, that no irregularity or nullity in the election of any councillor or magistrate shall, in any case after the passing of this Act, annul or affect the election of other councillors or magistrates not liable to the same grounds of objection, but those particular elections only in which such irregularity or nullity shall have occurred; saving always and reserving to all and every person and persons, or class or community of persons, bodies politic, corporate, or collegiate, all and every right of property within the said burghs and towns which they respectively had or enjoyed before the passing of this Act.

Irregularity in the election of councillors only to affect themselves.

Saving of rights of property.

\* \* \* \* \*

#### SCHEDULE (A.)

I A.B. do solemnly swear [or affirm], that I am the individual described in the list or roll for the town [or burgh] of as A.B. of [here insert description in the same words as contained in the roll]; that I am still the proprietor [or occupant] of the property for which I am so inrolled, and hold the same for my own benefit, and not in trust for or at the pleasure of any other person; and that I have not already voted at this election.

#### SCHEDULE (B.)

I A.B. do solemnly swear [or affirm], that I have not received or had, by myself or any person for my use or benefit, any sum or sums of money, office, place, or employment, gift, or reward, or any promise or security for any money, office, or gift, in order to give my vote at this election.

## CHAPTER LXXVIII.

## AN ACT to amend the Laws relating to Grand Juries in Ireland.

[28th August 1833.]

\* \* \* \* \*

Recovery of  
compensation  
for malicious  
injuries to  
property.

LXX. AND be it enacted, that in all cases of maliciously and wantonly burning, demolishing, or pulling down any house, outhouse, haggard, or other building, or of the robbery, burning, sinking, destroying, or otherwise injuring of any corn, turf, merchandise, store, boat, barge, vessel, or other property, or of maliciously houghing, cutting, maiming, or injuring of any cattle, it shall and may be lawful for any person or persons injured by such offence to exhibit and deliver to the judge or judges of assize at the next assizes to be held for the county, county of a city or town, where any such offence may have been committed, a petition praying compensation for the loss or damage occasioned by such offence, and stating the time and place when and where such injury was done, the particular property taken away, injured, or lost, and the amount of the damages thereby sustained, and by what number of persons, and whom, by name and description, such injury was done, if such offender or offenders shall be known, and if not, then stating such particular descriptions of each such offender as may be known; and the said matter shall thereupon be examined by the grand jury, on the oath of the party so petitioning, and such other evidence as can be produced touching the facts stated in such petition; and the grand jury of such county, county of a city or town, at the same or next assizes or presenting term, shall and they are hereby required to present, to be raised off the county or any barony or half barony thereof, such sum of money as shall appear to be the amount the party petitioning ought to receive by way of compensation for such loss or damage: [Rep., Stat. Law Rev. Act, 1874.] . . .

Method of  
raising com-  
pensation for  
malicious  
injury com-  
mitted near the  
boundary of  
two counties.

LXXI. AND be it further enacted, that in case such robbery, burning, sinking, or other malicious injury shall be committed on the verge or within the distance of two miles of the boundary of any two or more counties, it shall and may be lawful to prefer one such petition to the judge or judges of assize at the next assizes to be holden for either or any of such counties, and it shall be lawful for such judge or judges of assize to direct the grand jury of such county, if he or they shall so think fit, to examine into the matter thereof, and to take such proceedings thereon as aforesaid; and in case they shall find any sum or sums of money to be due or payable as and for compensation to such party petitioning as aforesaid, such judge or judges shall have power and authority to apportion the amount of such compensation between such neighbouring counties in such proportions as they shall think fit, and certify the same accordingly; and the grand juries of such counties respectively shall and they each of them are hereby required, on the production of the certificate of such judge or judges declaring the amount of compensation to be paid on foot of such petition, and the proportions in which the same shall be borne by the said neighbouring counties, to present such proportions of the amount of such compensation accordingly to be raised off such counties, or any barony or half barony thereof, and paid to such party so petitioning, as the case may require. [Rep., Stat. Law Rev. Act, 1874.]

Cess payers  
to be admitted  
to oppose peti-  
tion, &c.

LXXII. AND be it enacted, that if any person paying grand jury cess shall be desirous of controverting the matter of any such petition, he shall be heard; and in case the judge or judges shall so think fit, he or they shall direct a jury to be forthwith impannelled to try the matter, and the judge shall allow or disallow such petition according as such jury shall find the matter to be; and in case they shall award any compensation, the sum so awarded shall be presented by the grand jury as the compensation to be paid on foot of such petition, and presentment made accordingly. [Rep., Stat. Law Rev. Act, 1874.]

If property  
for which com-  
pensation is  
obtained be  
afterwards  
recovered,  
the county  
treasurer shall  
be entitled to  
it for the  
benefit of the  
county, &c.

LXXIII. PROVIDED always, and be it enacted, that if any property for which any person shall have received satisfaction by such presentment as aforesaid shall be afterwards discovered or obtained, the treasurer or treasurers for the time being of the county from which such satisfaction has been received may have and recover such property, and the same is hereby declared and enacted to belong unto and be vested in him or them for the use of such county or counties, in proportion to the sums respectively presented and raised off the same; and such treasurer may maintain in his own name any action and pursue

any remedy or proceeding for the recovery of such property, or of damages for the same, which the person robbed might have had or maintained before such satisfaction received by such presentment; and such property, when recovered, shall be sold or disposed of by such treasurer, and the money arising from such sale, after deducting the charges for the recovery thereof, shall be applied by such treasurer to the use of the county, barony or half barony, or county of a city or town, by which such satisfaction shall have been made.

LXXIV. AND be it enacted, that no action or suit against any chief or other magistrate, or any inhabitant or inhabitants of any parish, shall be brought or prosecuted by the party so petitioning as aforesaid for the recovery of any satisfaction or damages sustained by reason of any offence for which compensation may have been obtained under the provisions herein-before contained: Provided always, that although such petition as aforesaid may have been preferred, it shall nevertheless be lawful, if the same shall be disallowed, for such person or persons injured by such offence as aforesaid to seek for satisfaction and damages by all such ways and means as authorized or directed by an Act passed in the Parliament of Ireland in the twenty-third and twenty-fourth years of the reign of his Majesty King George the Third, intituled "An Act for the more effectually punishing such persons as shall by violence obstruct the freedom of corn markets and the corn trade, or who shall be guilty of other offences therein mentioned, and for making satisfaction to the parties injured," or any other Act or Acts in force in Ireland, any thing herein contained to the contrary notwithstanding.

No action shall lie where compensation is obtained under this Act; but where not obtained, the party injured may seek for satisfaction in the mode directed by Irish Act, 23 & 24 Geo. 3. c. 20., &c.

LXXXI. AND be it enacted, that in case any person or persons shall resist or make forcible opposition to any person or persons employed in the execution of this Act, or shall assault any surveyor or deputy surveyor, collector, supervisor, overseer, contractor, or peace officer in the execution of this or any other Act for the making or repairing of high roads, or shall make or attempt to make any rescue of goods distrained or seized by virtue of this or any other such Act, or if any constable or sub-constable shall refuse or neglect to execute any warrant granted by any justice of the peace pursuant to any power by this Act created, every such person offending therein, and being convicted thereof before any two justices of the peace at petty sessions by the oath of one credible witness, shall for every such offence forfeit any sum not exceeding ten pounds nor less than forty shillings, at the discretion of such justices; and in case the same shall not be paid, such justices are hereby empowered and required to commit such offender to any gaol, bridewell, or house of correction, for any time not exceeding three months, or until the said forfeiture shall be paid.

Penalty for assaulting or resisting persons acting under this or any other highway Act, or rescuing goods distrained, &c.

LXXXVII. AND be it further enacted, that in all cases where by any Act or Acts now in force the treasurer of any county may be authorized or required to pay any money to any collector of excise or other person, to be by him accounted for as public money, the same shall, from and after the passing of this Act, be paid and payable to such bank or person and in such manner as the lord high treasurer, or the lords commissioners of his Majesty's Treasury, or any three of them, shall from time to time think fit to direct and appoint.

Money heretofore paid by county treasurer to collector of excise, &c. shall be paid as directed by the Treasury.



## CHAPTER LXXX.

AN ACT requiring the Annual Statements of Trustees or Commissioners of Turnpike Roads to be transmitted to the Secretary of State, and afterwards laid before Parliament. [28th August 1833.]

- 3 Geo. 4. c. 126. **WHEREAS** an Act was passed in the third year of the reign of his late Majesty, intituled "An Act to amend the general laws now in being for regulating turnpike roads in that part of Great Britain called England," by which it was enacted, that all trustees and commissioners of every turnpike road or roads should hold a general meeting of the trust for which they should respectively act on a day to be appointed in the months of April, September, or October in every year, which said meeting should be called or known as "The General Annual Meeting of the Trustees or Commissioners," and at such meeting the trustees or commissioners assembled should elect a chairman for the purposes thereof, and should also audit the several accounts of the said trusts, and report the state of the roads under their care and superintendence; and as soon as such accounts should be allowed and signed the clerk to the trustees or commissioners holding such meeting should forthwith make out a statement of the debts, revenues, and expenditure received or incurred on account of the trust for which the meeting should be held, in the form contained in the schedule annexed to the said Act, which said statement should be submitted to the trustees or commissioners assembled at such meeting, and when approved by the majority of them should be signed by the chairman of the said meeting, and should within thirty days thereafter be transmitted to the clerk of the peace of the county in which the road or the major part thereof to which the said statement related should lie; and it was further enacted, that on such statement being received by the said clerk of the peace he should produce the same to the justices assembled at the quarter sessions to be held next after the receipt thereof, and that such statement should also be registered and kept amongst the records of the quarter sessions of the county for which such clerk of the peace should act: And whereas another Act was passed in the fourth year of the reign of his said late Majesty, intituled "An Act to explain and amend an Act passed in the third year of the reign of his present Majesty, to amend the general laws now in being for regulating turnpike roads in that part of Great Britain called England," by which it was enacted, that where by any Act of Parliament a general annual meeting of the trustees acting in execution of such Act should be appointed to be held at any other time of the year than in the said months of April, September, or October, and the said trustees should have held such meetings under the authority of such Act, it should be lawful for such trustees to continue to hold the said general annual meetings at the time mentioned and directed in the Act by virtue of which they should be appointed, instead of in the said months of April, September, or October, any thing in the said first-recited Act contained to the contrary notwithstanding: And whereas it is expedient that such annual statements should be transmitted to one of his Majesty's principal secretaries of state, for the purpose of being revised and afterwards laid before both houses of Parliament; and for the sake of one uniform system it is also expedient that provisions should be made in respect
- sect. 69.
- sect. 78.
- sect. 79.
- 4 Geo. 4. c. 95.
- sect. 42.

to the time for holding such general annual meetings:—] Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the several and respective clerks to the said trustees or commissioners holding such annual meetings respectively as aforesaid shall within thirty days from the passing of this Act transmit to one of his Majesty's principal secretaries of state for the time being copies of all such annual statements so already sent by them respectively to the clerks of the peace as aforesaid, and shall also transmit to one of his Majesty's principal secretaries of state for the time being copies of all such general annual statements for any future year or years so directed to be transmitted to the clerks of the peace as aforesaid within thirty days after the same shall have been so approved and signed as aforesaid; and if any such clerk to the said trustees or commissioners shall refuse or neglect to transmit such copies of such annual statements within the time herein-before prescribed for that purpose, then and in every such case every such clerk so offending shall for every such offence forfeit any sum not exceeding ten pounds nor less than five pounds, at the discretion of any justice or justices of the peace before whom complaint of such offence shall be made.

Clerks of trustees shall transmit copies of all past annual statements of debts, &c. under 3 Geo. 4. c. 126. to the secretary of state within 30 days from the passing hereof; and in future transmit them within 30 days after they have been signed.

III. AND be it further enacted, that from and after the expiration of the present year the trustees and commissioners of every turnpike road shall hold their general annual meeting on or before the twenty-fifth day of March in every future year, and not at any other time, any thing in the said recited Acts, or in either of them, to the contrary notwithstanding.

General annual meetings to be held on or before the 25th March.

III. AND be it further enacted, that the annual statement of the debts, revenues, and expenditure of every turnpike trust so as aforesaid required by the said recited Act of the third year of the reign of his said late Majesty, and also by this Act, to be made out by the clerk and surveyor to the trustees or commissioners holding such general annual meeting, and submitted to the trustees or commissioners then assembled, shall, for the year one thousand eight hundred and thirty-four, be made out from the date of the last annual statement of the year one thousand eight hundred and thirty-three until the thirty-first day of December one thousand eight hundred and thirty-three, according to the form contained in schedule (A.) annexed to this Act; and that in all future years such annual statements shall be made out of the debts, revenues, and expenditures received or incurred on account of the trust for which the meeting shall be held between the first day of January and the thirty-first day of December of the year preceding the year in which such meeting shall be so held, and according to such schedule.

Periods for which the annual statements of debts, &c. shall be made out.

IV. AND be it further enacted, that the several and respective clerks to the said trustees or commissioners shall cause to be prepared and laid before such general annual meetings of the trustees and commissioners respectively estimates, made out in the form contained in the schedule (B.) to this Act annexed, of the probable expenditure of their respective trusts for the current year, from the first day of January preceding such meeting to the thirty-first day of December following; and if any such clerk shall refuse or neglect to

Clerks to prepare estimates for annual meetings.

[\* Sections 1 and 2 are rep., so far as relates to the counties of Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, and Cardigan, 7 & 8 Vict. c. 91. s. 66.]

prepare and lay before such general annual meeting such estimate as aforesaid, every such clerk so offending shall for every such offence forfeit any sum not exceeding ten pounds nor less than five pounds, at the discretion of any justice or justices of the peace before whom complaint of such offence shall be made.

Secretary of state to cause abstracts of annual statements to be laid before Parliament;

V. AND be it further enacted, that such secretary of state for the time being shall yearly and every year cause such annual statements so transmitted to him to be revised and abstracted, and shall cause such abstracts to be laid before both Houses of Parliament, together with any observations he may think proper with respect to the state, condition, and repair of the roads or any of them, or with respect to the debts, revenues, expenditure, and management of any of such turnpike trusts.

and for that purpose to summon any clerks, surveyors, &c. before him and inquire into the state of the roads and the method of maintaining them.

VI. AND be it further enacted, that to enable such secretary of state for the time being to elucidate such annual statements, and to make such abstract, and prepare such report and observations, for both Houses of Parliament, it shall be lawful for such secretary of state for the time being to inquire into the state of the several turnpike trusts whose annual statements shall be so as aforesaid transmitted, and ascertain the amount of the annual income and expenditure of such several trusts, and also to inquire into the method in which the roads under the charge of such trusts are maintained and repaired; and for the purposes aforesaid it shall be lawful for such secretary of state for the time being to summon before him any surveyors, treasurers, clerks, or other officers employed by the trustees or commissioners in respect of the said roads; and the said surveyors, treasurers, clerks, and other officers shall, if required, produce all books of account, plans, maps, papers, documents, and writings in their possession respectively, and shall permit any person appointed by such secretary of state for the time being to inspect, examine, and take copies or extracts from the same or any or either of them; and if any such surveyor, treasurer, clerk, or other officer shall refuse or neglect to attend any such summons, or refuse or neglect to give a full and satisfactory answer to any question which he shall be by such secretary of state for the time being required to answer, or shall refuse or neglect to produce any book of account, plan, map, paper, document, or writing in his possession relating to the road as to which he shall be employed, every person so offending shall for every such offence forfeit any sum not exceeding twenty pounds nor less than five pounds, at the discretion of any justice or justices of the peace before whom complaint of such offence shall be made.

Clerks to trustees to send copies of resolutions of trustees as to continuation or alteration of turnpike Acts, &c. to secretary of state.

VII. AND be it enacted, that when and so soon as the trustees of any turnpike road shall have entered into a resolution to apply to Parliament for the continuation of the term and powers of the Act under which such turnpike road is regulated, or for the alteration or enlargement of any of those powers, or for an increase of the tolls to be levied on such turnpike road, the clerk of the said trustees is hereby required immediately to transmit a copy of such resolution to one of his Majesty's principal secretaries of state for the time being, together with a copy of any special clauses which the trustees may wish to be inserted in any new Act respecting such turnpike road, and also a statement of the increased tolls intended to be levied thereon.

Penalties how to be recovered.

VIII. AND be it enacted, that the penalties hereby imposed shall be recovered and applied in the same manner as penalties imposed by the said

recited Act of the third year of his late Majesty, and the several clauses and provisions therein contained respecting the recovery and application of penalties shall be in force for that purpose as if the same were herein specially re-enacted and contained.

\* \* \* \* \*

### SCHEDULES to which this Act refers.

#### SCHEDULE (A.)

#### GENERAL STATEMENT of the INCOME and EXPENDITURE of the

TURNPIKE TRUST in the County of  
January

between the 1st day of  
and the 31st day of December

INCOME.		£ s. d.	EXPENDITURE.		£ s. d.
Balance in treasurer's hands brought forward -	-	-	Balance due to the treasurer brought forward -	-	-
Revenue received from tolls -	-	-	Manual labour -	-	-
Parish composition in lieu of statute duty -	-	-	Team labour and carriage materials -	-	-
Estimated value of statute duty performed -	-	-	Materials for surface repairs -	-	-
Revenue from fines -	-	-	Land purchased -	-	-
from incidental receipt -	-	-	Damage done in obtaining materials -	-	-
Amount of money borrowed on the security of the tolls -	-	-	Tradesmen's bills -	-	-
			Salaries : Treasurer -	-	-
			Clerk -	-	-
			Surveyor -	-	-
			Law charges -	-	-
			Interest of debt -	-	-
			Improvements -	-	-
			Debts paid off -	-	-
			Incidental expences -	-	-
			Statute duty performed, estimated value -	-	-
Balance due to the trust -	-	-	Balance due to treasurer -	-	-

DEBTS.	£ s. d.	Rate of Interest per Cent.	ARREARS of INCOME.	Insert the Name and Place of Abode of the Treasurer, Clerk, General and Superintending Surveyor below.
Bonded or mortgage debt -	-	-	Arrears of tolls for current year -	-
Floating ditto -	-	-	Arrears of parish composition ditto -	-
Unpaid interest -	-	-	Arrears of any other receipt ditto -	-
Balance due to the treasurer -	-	-	Arrears of former years -	-
Total debts -	-	-	Total arrears -	-

## SCHEDULE (B.)

AN ESTIMATE of the EXPENCE of maintaining the TURNPIKE  
 TRUST in the County of between the 1st day of  
 January and the 31st day of December

	£	s.	d.
Manual labour - - - - -	-	-	-
Team labour and carriage - - - - -	-	-	-
Materials delivered on the road, exclusive of carriage - - - - -	-	-	-
Land purchased - - - - -	-	-	-
Damage done in obtaining materials - - - - -	-	-	-
Tradesmen's bills - - - - -	-	-	-
Salaries - - - - -	-	-	-
Law charges - - - - -	-	-	-
Interest of debt - - - - -	-	-	-
Watering the roads - - - - -	-	-	-
Lighting ditto - - - - -	-	-	-
Incidental expences - - - - -	-	-	-

Date of the existing Act of Parliament,

The length of the trust, miles. Distinguishing main from branch roads.

State the description and quantity of materials used on the trust, with the price per yard or ton; and if the damages in obtaining materials are paid for at per yard or ton, state the price.

## CHAPTER LXXXII.

AN ACT to allow the People called Separatists to make a solemn Affirmation and Declaration in stead of an Oath. [28th August 1833.]

**W**HEREAS there are in various places in Ireland, and in some parts of England, and elsewhere, certain dissenters from the united church of England and Ireland, and from the church of Scotland, commonly called Separatists, the members of which class or sect of dissenters, from conscientious scruples, refuse to take an oath in courts of justice and other places, and in consequence thereof are exposed to great losses and inconveniences in their trades and concerns, and are subject to fines and to imprisonment for contempt of court, and the community at large are deprived of the benefit of their testimony: And whereas it is therefore expedient that the said sect called Separatists should be relieved in manner herein-after mentioned: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every person for the time being belonging to the said sect called Separatists, who shall be required upon any lawful occasion to take an oath in any case where by law an oath is or may be required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following; videlicet,

' I A.B. do, in the presence of Almighty God, solemnly, sincerely, and truly affirm and declare that I am a member of the religious sect called Separatists, and that the taking of any oath is contrary to my religious belief, as well as essentially opposed to the tenets of that sect; and I do also in the same solemn manner affirm and declare '

Separatists, instead of an oath, may make the following affirmation or declaration.

Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice and other places whatsoever where by law an oath is or may be required, as if such Separatists had taken an oath in the usual form.

Such affirmation or declaration shall have the effect of an oath.

II. AND be it further enacted, that if any person making such solemn affirmation or declaration shall in fact not be one of the people commonly called Separatists, or shall wilfully, falsely, and corruptly affirm or declare any other matter or thing which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties and forfeitures as by the laws and statutes of this kingdom are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

Persons making a false affirmation, &c. to be subject to the same punishment as for perjury.

## CHAPTER LXXXIII.

AN ACT to compel Banks issuing Promissory Notes payable to Bearer on Demand to make Returns of their Notes in Circulation, and to authorize Banks to issue Notes payable in London for less than Fifty Pounds.

[28th August 1833.]

**W**HEREAS it is expedient that all corporations, copartnerships, and persons carrying on banking business, and making and issuing promissory notes payable to bearer on demand, should make returns of the amount of such notes in circulation: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all corporations and copartnerships carrying on banking business under the provisions of an Act passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled "An Act for the better regulating copartnerships of certain bankers in England, and for amending" "so much of an Act of the thirty-ninth and fortieth years of the reign of his late Majesty King George the Third, intituled 'An Act for establishing an agreement" "with the governor and company of the Bank of England for advancing the sum of" "three millions towards the supply for the service of the year one thousand eight" "hundred," as relates to the same," and all other persons carrying on banking business, and making and issuing promissory notes payable to bearer on demand, shall respectively keep weekly accounts from the passing of this Act of the average amount of notes in circulation at the end of each week of the corporation, copartnership, or persons or person so carrying on banking business and keeping such weekly account; [Rep., Stat. Law Rev. Act, 1874.]

Partnerships and persons carrying on banking business, and issuing promissory notes, to keep accounts of the amount of notes in circulation, &c.

II. AND be it further enacted, that it shall be lawful for any body politic or corporate whatsoever, erected or to be erected, and for any other persons united or to be united in covenants or partnership, exceeding the number of six persons, carrying on business as bankers, to make any bill of exchange or promissory note of such corporation or copartnership payable in London by any agent of such corporation or copartnership in London, or to draw any bill of exchange or promissory note upon any such agent in London, payable on demand or otherwise in London, and for any less amount than fifty pounds, any thing in the said recited Act of the seventh year of the reign of his late Majesty King George the Fourth, or in any other Act, to the contrary notwithstanding.

Banks of more than six persons may draw bills, &c. payable in London, for less than 50*l.*, notwithstanding 7 Geo. 4. c. 46., &c.

## CHAPTER LXXXIV.

AN ACT to provide for the Performance of the Duties of certain Offices connected with the Court of Chancery which have been abolished. [\*]

[28th August 1833.]

2 & 3 Will. 4.  
c. 111.

Lord chancellor, &c. to have a secretary called "The Secretary of Lunatics."

Office and duties of purse-bearer and secretary of presentations.

**W**HEREAS by an Act passed in the second and third years of the reign of his present Majesty, intituled "An Act to abolish certain sinecure offices connected with the Court of Chancery, and to make provision for the lord high chancellor on his retirement from office," it is provided that the following, amongst other offices, (videlicet,) the office of keeper or clerk of his Majesty's hanaper, the clerk of the crown in Chancery, the clerk of the patents, the clerk of the custodies of lunatics and idiots, the chaff wax, the sealer, the clerk of the presentations, and the clerk of dispensations and faculties, shall utterly cease and determine from and after the twentieth day of August one thousand eight hundred and thirty-three; provided nevertheless, that the said Act should not be construed to determine any of the said offices holden in possession or reversion by any person appointed thereto on or before the first day of June then last, until the decease or resignation of such person: And whereas all the persons holding the said offices, except the clerk of the patents, were appointed to such offices prior to the said first day of June one thousand eight hundred and thirty-two: And whereas it is necessary that competent persons shall be appointed for the discharge of all or some of the duties of the said offices when and as such offices shall become vacant; and it is desirable that the persons to be appointed to discharge the duties of such offices shall be paid by fixed salaries for such their trouble: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the lord chancellor, or the lord keeper or lords commissioners for the custody of the great seal of Great Britain, or other the person or persons for the time being intrusted by virtue of the King's sign manual with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, shall have as heretofore a secretary, called "The Secretary of Lunatics"; [Rep., 37 & 38 Vict. c. 81. s. 12.] . . . . .

**II.** AND be it further enacted, that the said lord chancellor, lord keeper, or lords commissioners for the time being shall have as heretofore an officer called "The Purse-bearer to the Lord Chancellor," and a certain other secretary, called "The Secretary of Presentations"; . . . . . and that when and as the offices of clerk of the presentations and of clerk of dispensations and faculties, and each of them, shall respectively become vacant by the death, resignation, or removal of the present respective holders thereof, all and every the duties of such several offices shall be performed by the secretary of presentations for the time being; . . . . . and that all acts to be done by the said secretary of presentations in performance of the said duties of clerk of the presentations and clerk of dispensations and faculties shall in all respects have the same force and effect as if the same had been done by the clerk of the presentations and the clerk of dispensations and faculties.

\* \* \* \* \*

[\* Rep., 37 & 38 Vict. c. 81. s. 12., except so much of section 2 as relates to the secretary of presentations.]

## CHAPTER LXXXV.

AN ACT for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the Thirtieth Day of April One thousand eight hundred and fifty-four.

[28th August 1833.]

**W**HEREAS by an Act passed in the fifty-third year of the reign of his Majesty King George the Third, intituled "An Act for continuing in  
" the East India Company for a further term the possession of the British  
" territories in India, together with certain exclusive privileges, for establish-  
" ing further regulations for the government of the said territories, and the  
" better administration of justice within the same, and for regulating the  
" trade to and from the places within the limits of the said company's  
" charter," the possession and government of the British territories in India were continued in the United Company of Merchants of England trading to the East Indies for a term therein mentioned: And whereas the said company are entitled to or claim the lordships and islands of St. Helena and Bombay under grants from the crown, and other property to a large amount in value, and also certain rights and privileges not affected by the determination of the term granted by the said recited Act: And whereas the said company have consented that all their rights and interests to or in the said territories, and all their territorial and commercial, real and personal assets and property whatsoever, shall, subject to the debts and liabilities now affecting the same, be placed at the disposal of Parliament in consideration of certain provisions herein-after mentioned, and have also consented that their right to trade for their own profit in common with other his Majesty's subjects be suspended during such time as the government of the said territories shall be confided to them: And whereas it is expedient that the said territories now under the government of the said company be continued under such government, but in trust for the crown of the United Kingdom of Great Britain and Ireland, and discharged of all claims of the said company to any profit therefrom to their own use, except the dividend herein-after secured to them, and that the property of the said company be continued in their possession and at their disposal, in trust for the crown, for the service of the said government and other purposes in this Act mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-second day of April one thousand eight hundred and thirty-four the territorial acquisitions and revenues mentioned or referred to in the said Act of the fifty-third year of his late Majesty King George the Third, together with the port and island of Bombay, and all other territories now in the possession and under the government of the said company, except the island of St. Helena, shall remain and continue under such government until the thirtieth day of April one thousand eight hundred and fifty-four; and that all the lands and hereditaments, revenues, rents, and profits of the said company, and all the stores, merchandize, chattels, monies, debts, and real and personal estate whatsoever, except the said island of St. Helena, and the stores and property thereon herein-after mentioned, subject to the debts and liabilities now affecting the same respectively, and the benefit of all contracts, covenants, and engagements, and all

58 Geo. 3.  
c. 155.

The British territories in India to remain under the government of the company till 30th April 1854.

Real and personal property of the company to be held in trust for the crown, for the service of India.

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rights to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said company shall be seised or possessed of or entitled unto on the said twenty-second day of April one thousand eight hundred and thirty-four, shall remain and be vested in, and be held, received, and exercised respectively, according to the nature and quality, estate and interest of and in the same respectively, by the said company, in trust for his Majesty, his heirs and successors, for the service of the government of India, discharged of all claims of the said company to any profit or advantage therefrom to their own use, except the dividend on their capital stock secured to them as herein-after is mentioned, subject to such powers and authorities for the superintendence, direction, and control over the acts, operations, and concerns of the said company as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act.

All privileges, powers, &c. granted by 53 Geo. 3. c. 155. for the term thereby limited;

and all enactments not repugnant to this Act;

as also all rights and immunities of the company, to be in force till 30th April 1854, subject to control.

His Majesty may appoint commissioners for the affairs of India.

Two or more commissioners to form a board.

The board of commissioners to control all acts of the company concerning India, &c.

II. AND be it enacted, that all and singular the privileges, franchises, abilities, capacities, powers, authorities, whether military or civil, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever granted to or continued in the said united company by the said Act of the fifty-third year of King George the Third, for and during the term limited by the said Act, and all other the enactments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever, which are limited or may be construed to be limited to continue for and during the term granted to the said company by the said Act of the fifty-third year of King George the Third, so far as the same or any of them are in force, and not repealed by or repugnant to the enactments herein-after contained, and all powers of alienation and disposition, rights, franchises, and immunities, which the said united company now have, shall continue and be in force, and may be exercised and enjoyed, as against all persons whomsoever, subject to the superintendence, direction, and control herein-before mentioned, until the thirtieth day of April one thousand eight hundred and fifty-four.

\* \* \* \* \*

XIX. AND be it enacted, that it shall and may be lawful for his Majesty by any letters patent, or by any commission or commissions to be issued under the great seal of Great Britain, from time to time to nominate, constitute, and appoint, during pleasure, such persons as his Majesty shall think fit to be, and who shall accordingly be and be styled, commissioners for the affairs of India; and every enactment, provision, matter, and thing relating to the commissioners for the affairs of India in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the commissioners to be nominated as aforesaid.

\* \* \* \* \*

XXI. AND be it enacted, that any two or more of the said commissioners shall and may form a board for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the commissioners for the affairs of India; [Rep., Stat. Law Rev. Act, 1874.] . . . . .

\* \* \* \* \*

XXV. AND be it enacted, that the said board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said company which in anywise relate to or concern the government or revenues of the said territories, or the property

hereby vested in the said company in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said revenues and property respectively, except as herein-after is mentioned.

\* \* \* \* \*  
XXXV. AND be it enacted, that the said court of directors shall from time to time appoint a secret committee, to consist of any number not exceeding three of the said directors, for the particular purposes in this Act specified; [Rep., Stat. Law Rev. Act, 1874.] . . . . .

Directors of East India Company to appoint a secret committee.

XXXVI. PROVIDED also, and be it enacted, that if the said board shall be of opinion that the subject matter of any of their deliberations concerning the levying war or making peace, or treating or negotiating with any of the native princes or states in India, or with any other princes or states, or touching the policy to be observed with respect to such princes or states, intended to be communicated in orders, dispatches, official letters or communications, to any of the governments or presidencies in India, or to any officers or servants of the said company, shall be of a nature to require secrecy, it shall and may be lawful for the said board to send their orders, dispatches, official letters or communications, to the secret committee of the said court of directors to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenor thereof, or pursuant to the directions of the said board, to the respective governments and presidencies, officers and servants; and that the said governments and presidencies, officers and servants, shall be bound to pay a faithful obedience thereto, in like manner as if such orders, dispatches, official letters or communications had been sent to them by the said court of directors.

If the board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the board may send official communications through secret committee.

\* \* \* \* \*  
XXXVIII. AND be it enacted, that the territories now subject to the government of the presidency of Fort William in Bengal shall be divided into two distinct presidencies, one of such presidencies, in which shall be included Fort William aforesaid, to be styled the presidency of Fort William in Bengal, and the other of such presidencies to be styled the presidency of Agra; and that it shall be lawful for the said court of directors, under the control by this Act provided, and they are hereby required, to declare and appoint what part or parts of any of the territories under the government of the said company shall from time to time be subject to the government of each of the several presidencies now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and such new distribution of the same, as shall be deemed expedient.

Presidency of Fort William in Bengal to be divided into two presidencies.

The court of directors to declare the limits from time to time of the several presidencies.

XXXIX. AND be it enacted, that the superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India shall be and is hereby vested in a governor general and counsellors, to be styled "The Governor General of India in Council."

Government of India vested in governor general and counsellors.

XL. AND be it enacted, that there shall be four ordinary members of the said council, three of whom shall from time to time be appointed by the said court of directors from amongst such persons as shall be or shall have been servants of the said company; . . . . . and that the fourth ordinary member of council shall from time to time be appointed from amongst persons who shall not be servants of the said company by the said court of directors, subject to the approbation of

his Majesty, to be signified in writing by his royal sign manual, countersigned by the president of the said board [Rep., 24 & 25 Vict. c. 67. s. 2.] ; . . . . .

\* \* \* \* \*

The governor general in council empowered to legislate for India, except as to matters herein mentioned.

XLIII. AND be it enacted, that the said governor general in council shall have power to make laws and regulations for repealing, amending, or altering any laws or regulations whatever now in force or hereafter to be in force in the said territories or any part thereof, and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all courts of justice, whether established by his Majesty's charters or otherwise, and the jurisdictions thereof, and for all places and things whatsoever within and throughout the whole and every part of the said territories, and for all servants of the said company within the dominions of princes and states in alliance with the said company; save and except that the said governor general in council shall not have the power of making any laws or regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act, or any of the provisions of the Acts for punishing mutiny and desertion of officers and soldiers, whether in the service of his Majesty or the said company, or any provisions of any Act hereafter to be passed in anywise affecting the said company or the said territories or the inhabitants thereof, or any laws or regulations which shall in any way affect any prerogative of the crown, or the authority of Parliament, or the constitution or rights of the said company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the crown of the United Kingdom, or the sovereignty or dominion of the said crown over any part of the said territories. [Rep., 24 & 25 Vict. c. 67. s. 2.]

If the court of directors disallow the laws, governor in council to repeal them.

XLIV. PROVIDED always, and be it enacted, that in case the said court of directors, under such control as by this Act is provided, shall signify to the said governor general in council their disallowance of any laws or regulations by the said governor general in council made, then and in every such case, upon receipt by the said governor general in council of notice of such disallowance, the said governor general in council shall forthwith repeal all laws and regulations so disallowed. [Rep., 24 & 25 Vict. c. 67. s. 2.]

All such laws and regulations to be of the same force as any Act of Parliament.

XLV. PROVIDED also, and be it enacted, that all laws and regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said territories as any Act of Parliament would or ought to be within the same territories, and shall be taken notice of by all courts of justice whatsoever within the same territories, in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any court of justice any laws or regulations made by the said governor general in council.

Registration unnecessary.

Restriction as to giving the power of punishing with death European subjects, &c.

XLVI. PROVIDED also, and be it enacted, that it shall not be lawful for the said governor general in council, without the previous sanction of the said court of directors, to make any law or regulation whereby power shall be given to any courts of justice, other than the courts of justice established by his Majesty's charters, to sentence to the punishment of death any of his Majesty's natural-born subjects born in Europe, or the children of such subjects, or which shall abolish any of the courts of justice established by his Majesty's charters.

The court of directors to submit to the board rules for the procedure of the governor general in council, &c.

XLVII. AND be it enacted, that the said court of directors shall forthwith submit, for the approbation of the said board, such rules as they shall deem expedient for the procedure of the governor general in council in the discharge and exercise of all powers, functions, and duties imposed on or vested in him by virtue of this Act, or to be imposed or vested in him by any other Act or Acts; which rules shall prescribe the modes of promulgation of any laws or regulations to be made by the said governor general in council, and of

the authentication of all acts and proceedings whatsoever of the said governor general in council; and such rules, when approved by the said board of commissioners, shall be of the same force as if they had been inserted in this Act: Provided always, that such rules shall be laid before both Houses of Parliament in the session next after the approval thereof.

XLVIII. PROVIDED always, and be it enacted, that all laws and regulations shall be made at some meeting of the council at which the said governor general and at least three of the ordinary members of council shall be assembled, and that all other functions of the said governor general in council may be exercised by the said governor general and one or more ordinary member or members of council; and that in every case of difference of opinion at meetings of the said council where there shall be an equality of voices, the said governor general shall have two votes or the casting vote.

Quorum of governor general and members in council.

LI. PROVIDED always, and be it enacted, that nothing herein contained shall extend to affect in any way the right of Parliament to make laws for the said territories and for all the inhabitants thereof; and it is expressly declared that a full, complete, and constantly existing right and power is intended to be reserved to Parliament to control, supersede, or prevent all proceedings and acts whatsoever of the said governor general in council, and to repeal and alter at any time any law or regulation whatsoever made by the said governor general in council, and in all respects to legislate for the said territories and all the inhabitants thereof in as full and ample a manner as if this Act had not been passed; and the better to enable Parliament to exercise at all times such right and power, all laws and regulations made by the said governor general in council shall be transmitted to England, and laid before both Houses of Parliament, in the same manner as is now by law provided concerning the rules and regulations made by the several governments in India.

Nothing in this Act to affect the right of Parliament to legislate for India, &c.

Laws and regulations made by governor general in council to be laid before Parliament.

LII. AND be it enacted, that all enactments, provisions, matters, and things relating to the governor general of Fort William in Bengal in council, and the governor general of Fort William in Bengal alone, respectively, in any other Act or Acts contained, so far as the same are now in force, and not repealed by or repugnant to the provisions of this Act, shall continue and be in force and be applicable to the governor general of India in council, and to the governor general of India alone, respectively.

All enactments relating to governor general of Fort William shall apply to governor general of India in council and alone.

LVI. AND be it enacted, that the executive government of each of the several presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra shall be administered by a governor and three councillors, to be styled "The Governor in Council of the said Presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra respectively"; and the said governor and councillors respectively of each such presidency shall have the same rights and voices in their assemblies, and shall observe the same order and course in their proceedings, as the governors in council of the presidencies of Fort Saint George and Bombay now have and observe; . . . . .

The executive government of the presidencies to be administered by a governor and three councillors.

LVII. PROVIDED always, and be it enacted, that it shall and may be lawful for the said court of directors, under such control as is by this Act provided, to revoke and suspend, so often and for such periods as the said court shall in

Directors may revoke the appointment of councils, or

reduce the  
number of  
councillors.

that behalf direct, the appointment of councils in all or any of the said presidencies, or to reduce the number of councillors in all or any of the said councils; and during such time as a council shall not be appointed in any such presidency the executive government thereof shall be administered by a governor alone.

Appointment  
of governors  
of presidencies.

LVIII. AND be it enacted, that the several persons who on the said twenty-second day of April one thousand eight hundred and thirty-four shall be governors of the respective presidencies of Fort Saint George and Bombay, shall be the first governors of the said presidencies respectively under this Act; and that the office of governor of the said presidency of Agra, and all vacancies happening in the offices of the governors of the said presidencies respectively, shall be filled up by the said court of directors, subject to the approbation of his Majesty, to be signified under his royal sign manual, countersigned by the said president of the said board of commissioners. [Rep., Stat. Law Rev. Act, 1874.]

The governors  
of the presi-  
dencies to have  
the powers  
and immunities  
of the present  
governors of  
Madras and  
Bombay, but  
not to make  
or suspend  
laws or create  
officers, &c.

LIX. AND be it enacted, that in the presidencies in which the appointment of a council shall be suspended under the provision herein-before contained, and during such time as councils shall not be appointed therein respectively, the governors appointed under this Act, and in the presidencies in which councils shall from time to time be appointed the said governors in their respective councils, shall have all the rights, powers, duties, functions, and immunities whatsoever, not in anywise repugnant to this Act, which the governors of Fort Saint George and Bombay in their respective councils now have within their respective presidencies; and that the governors and members of council of presidencies appointed by or under this Act shall severally have all the rights, powers, and immunities respectively, not in anywise repugnant to this Act, which the governors and members of council of the presidencies of Fort Saint George and Bombay respectively now have in their respective presidencies; provided that no governor or governor in council shall have the power of making or suspending any regulations or laws in any case whatever, unless in cases of urgent necessity (the burthen of the proof whereof shall be on such governor or governor in council), and then only until the decision of the governor general of India in council shall be signified thereon; and provided also, that no governor or governor in council shall have the power of creating any new office, or granting any salary, gratuity, or allowance, without the previous sanction of the governor general of India in council.

If court of  
directors  
neglect for  
two months to  
supply vacancy  
in any office,  
the King may  
appoint.

LX. PROVIDED always, and be it enacted, that when and so often as the said court of directors shall neglect for the space of two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India in the appointment of the said court shall have been received by the said court, to supply such vacancy, then and in every such case it shall be lawful for his Majesty to appoint, by writing under his sign manual, such person as his Majesty shall think proper to supply such vacancy; and that every person so appointed shall have the same powers, privileges, and authorities as if he or they had been appointed by the said court, and shall not be subject to removal or dismissal without the approbation and consent of his Majesty. [Rep., Stat. Law Rev. Act, 1874.]

Power for the  
court to make  
provisional  
appointments  
to any offices.

[LXI.] AND be it enacted, that it shall be lawful for the said court of directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding

[\* So much of section 61 as relates to vacancies in the office of ordinary member of the council of India, rep., 24 & 25 Vict. c. 67. s. 2.]

the same office or offices respectively, or on his or their departure from India with intent to return to Europe, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke: Provided that every provisional appointment to the several offices of governor general of India, governor of a presidency, and the member of council of India by this Act directed to be appointed from amongst persons who shall not be servants of the said company, shall be subject to the approbation of his Majesty, to be signified as aforesaid; but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary, or emolument appertaining thereto, until he shall be in the actual possession of such office.

Provisional appointments of certain officers to be approved by his Majesty.

LXII. AND be it enacted, that if any vacancy shall happen in the office of governor general of India when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case the ordinary member of council next in rank to the said governor general shall hold and execute the said office of governor general of India and governor of the presidency of Fort William in Bengal, until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting governor general shall, during the time of his continuing to act as such, have and exercise all the rights and powers of governor general of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting governor general foregoing his salary and allowance of a member of council for the same period.

In case of vacancy in the office of governor general, and no successor upon the spot, the ordinary member of council next in rank to act as governor general.

LXIII. AND be it enacted, that if any vacancy shall happen in the office of governor of Fort Saint George, Bombay, or Agra, when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case, if there shall be a council in the presidency in which such vacancy shall happen, the member of such council, who shall be next in rank to the governor, other than the commander in chief or officer commanding the forces of such presidency, and if there shall be no council, then the secretary of government of the said presidency who shall be senior in the said office of secretary, shall hold and execute the said office of governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the office by him supplied, such acting governor foregoing all salaries and allowances by him held and enjoyed at the time of his being called to supply such office.

Provision in case of a vacancy in the office of governor of any of the subordinate presidencies, and no successor on the spot.

[LXIV.] AND be it enacted, that if any vacancy shall happen in the office of an ordinary member of council of India when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the governor general in council; and if any vacancy shall happen in the office of a member of council of any presidency when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appoint-

Provision in case of a vacancy in the office of a member of council when no successor on the spot.

[\* So much of section 64 as relates to vacancies in the office of ordinary member of the council of India, rep., 24 & 25 Vict. c. 67. s. 2.]

ment of the governor in council of the presidency in which such vacancy shall happen; and until a successor shall arrive the person so nominated shall execute the office by him supplied, and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office during his continuance therein, every such temporary member of council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such office: Provided always, that no person shall be appointed a temporary member of council who might not have been appointed by the said court of directors to fill the vacancy supplied by such temporary appointment.

The governor general in council to have the control over the presidencies.

LXV. AND be it further enacted, that the said governor general in council shall have and be invested by virtue of this Act with full power and authority to superintend and control the governors and governors in council of Fort William in Bengal, Fort Saint George, Bombay, and Agra, in all points relating to the civil or military administration of the said presidencies respectively; and the said governors and governors in council shall be bound to obey such orders and instructions of the said governor general in council in all cases whatsoever.

\* \* \* \* \*

Powers of governors not to be suspended by visit of governor-general.

LXVII. AND be it enacted, that when the said governor general shall visit any of the presidencies of Fort Saint George, Bombay, or Agra, the powers of the governors of those presidencies respectively shall not by reason of such visit be suspended.

Communications to be transmitted by governors to governor general in council.

LXVIII. AND be it enacted, that the said governors and governors in council of the said presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra respectively shall and they are hereby respectively required regularly to transmit to the said governor general in council true and exact copies of all such orders and acts of their respective governments, and also advice and intelligence of all transactions and matters which shall have come to their knowledge, and which they shall deem material to be communicated to the said governor general in council as aforesaid, or as the said governor general in council shall from time to time require.

The governor general in council may appoint a deputy governor of Bengal as exigencies may require.

LXIX. AND be it enacted, that it shall be lawful for the said governor general in council, as often as the exigencies of the public service may appear to him to require, to appoint such one of the ordinary members of the said council of India as he may think fit to be deputy governor of the said presidency of Fort William in Bengal; and such deputy governor shall be invested with all the powers and perform all the duties of the said governor of the presidency of Fort William in Bengal, but shall receive no additional salary by reason of such appointment.

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The new presidency of Agra not to affect the succession to commands and offices in Bengal and Agra.

LXXI. AND be it enacted, that there shall not, by reason of the division of the territories now subject to the government of the presidency of Fort William in Bengal into two presidencies as aforesaid, be any separation between the establishments and forces thereof respectively, or any alteration in the course and order of promotion and succession of the company's servants in the same two presidencies respectively; but that all the servants, civil and military, of the Bengal establishments and forces shall and may succeed and

be appointed to all commands and offices within either of the said presidencies respectively as if this Act had not been passed.

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LXXIII. AND be it enacted, that it shall be lawful for the said governor general in council from time to time to make articles of war for the government of the native officers and soldiers in the military service of the company, and for the administration of justice by courts-martial to be holden on such officers and soldiers, and such articles of war from time to time to repeal or vary and amend; and such articles of war shall be made and taken notice of in the same manner as all other the laws and regulations to be made by the said governor general in council under this Act, and shall prevail and be in force, and shall be of exclusive authority over all the native officers and soldiers in the said military service, to whatever presidency such officers and soldiers may belong, or wheresoever they may be serving: Provided nevertheless, that until such articles of war shall be made by the said governor general in council, any articles of war for or relating to the government of the company's native forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said territories, shall remain in force.

Articles of war to be made by governor general in council.

LXXIV. AND be it enacted, that it shall be lawful for his Majesty, by any writing under his sign manual, countersigned by the president of the said board of commissioners, to remove or dismiss any person holding any office, employment, or commission, civil or military, under the said company in India, and to vacate any appointment or commission of any person to any such office or employment; provided that a copy of every such writing, attested by the said president, shall, within eight days after the same shall be signed by his Majesty, be transmitted or delivered to the chairman or deputy chairman of the said company.

His Majesty may remove any officer of the company in India.

LXXV. PROVIDED always, and be it enacted, that nothing in this Act contained shall take away the power of the said court of directors to remove or dismiss any of the officers or servants of the said company, but that the said court shall and may at all times have full liberty to remove or dismiss any of such officers or servants at their will and pleasure; provided that any servant of the said company appointed by his Majesty through the default of appointment by the said court of directors shall not be dismissed or removed without his Majesty's approbation, as herein-before is mentioned.

The power of the directors to remove their servants preserved.

LXXVI. AND be it enacted, that there shall be paid to the several officers herein-after named the several salaries set against the names of such officers, subject to such reduction of the said several salaries respectively as the said court of directors, with the sanction of the said board, may at any time think fit; (that is to say,)

Salaries of governor general, &c.

To the governor general of India, two hundred and forty thousand sicca rupees:

To each ordinary member of the council of India, ninety-six thousand sicca rupees:

To each governor of the presidencies of Fort Saint George, Bombay, and Agra, one hundred and twenty thousand sicca rupees:

To each member of any council to be appointed in any presidency, sixty thousand sicca rupees:



Acceptance of  
gratuities, &c. a  
misdemeanor.

Expences of  
equipment and  
voyage.

And the salaries of the said officers respectively shall commence from their respectively taking upon them the execution of their respective offices; and the said salaries shall be the whole profit or advantage which the said officers shall enjoy during their continuance in such offices respectively; and it shall be and it is hereby declared to be a misdemeanor for any such officer to accept for his own use, in the discharge of his office, any present, gift, donation, gratuity, or reward, pecuniary or otherwise whatsoever, or to trade or traffic for his own benefit or for the benefit of any other person or persons whatsoever; and the said court of directors are hereby required to pay to all and singular the officers and persons herein-after named who shall be resident in the United Kingdom at the time of their respective appointments, for the purpose of defraying the expences of their equipment and voyage, such sums of money as are set against the names of such officers and persons respectively; (that is to say,)

To the governor general, five thousand pounds:

To each member of the council of India, one thousand two hundred pounds:

To each governor of the presidencies of Fort Saint George, Bombay, and Agra, two thousand five hundred pounds:

Provided also, that any governor general, governor, or member of council appointed by or by virtue of this Act, who shall at the time of passing this Act hold the office of governor general, governor, or member of council respectively, shall receive the same salary and allowances that he would have received if this Act had not been passed.

Governor  
general and  
governors, &c.  
to forego pen-  
sions, &c. from  
the crown or  
company while  
they hold  
office.

LXXVII. PROVIDED always, and be it enacted, that if any governor general, governor, or ordinary member of the council of India, or any member of the council of any presidency, shall hold or enjoy any pension, salary, or any place, office, or employment of profit under the crown or any public office or the said company, or any annuity payable out of the civil or military fund of the said company, the salary of his office of governor general of India, governor or member of council, shall be reduced by the amount of the pension, salary, annuity, or profits of office so respectively held or enjoyed by him.

Directors to  
make regula-  
tions for the  
distribution of  
patronage in  
India.

LXXVIII. AND be it enacted, that the said court of directors, with the approbation of the said board of commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the offices, commands, and employments in the said territories, and in all or any of the presidencies thereof, among the said governor general in council, governor general, governors in council, governors, commander in chief, and other commanding officers respectively appointed or to be appointed under this Act.

Departure of  
governor gen-  
eral, &c. for  
Europe, to be a  
resignation.

LXXIX. AND be it enacted, that the return to Europe or the departure from India with intent to return to Europe of any governor general of India, governor, member of council, or commander in chief, shall be deemed in law a resignation and avoidance of his office or employment; and that no act or declaration of any governor general, or governor, or member of council, other than as aforesaid, excepting a declaration in writing under hand and seal, delivered to the secretary for the public department of the presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; and that the salary and other allowances of any such governor general or other officer respectively shall cease from the

Resignation in  
India to be by  
deed.

Salary to cease  
on departure  
or resignation.

day of such his departure, resignation, or surrender; and that if any such governor general or member of council of India shall leave the said territories, or if any governor or other officer whatever in the service of the said company shall leave the presidency to which he shall belong, other than in the known actual service of the said company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories, or the presidency to which he may have belonged; provided that it shall be lawful for the said company to make such payment as is now by law permitted to be made to the representatives of their officers or servants who, having left their stations intending to return thereto, shall die during their absence.

Payment to representatives of officers dying during absence.

LXXX. AND be it enacted, that every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said court of directors by any governor general of India, governor, member of council, or commander in chief, or by any other of the officers or servants of the said company, unless in cases of necessity (the burthen of the proof of which necessity shall be on the person so disobeying or omitting, forbearing or neglecting, to execute such orders or instructions as aforesaid), and every wilful breach of the trust and duty of any office or employment by any such governor general, governor, member of council, or commander in chief, or any of the officers or servants of the said company, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this Act.

Disobedience of orders and breach of trust by officers or servants of the company in India, misdemeanors.

LXXXI. AND be it enacted, that it shall be lawful for any natural-born subjects of his Majesty to proceed by sea to any port or place having a custom-house establishment within the said territories, and to reside thereat, or to proceed to and reside in or pass through any part of such of the said territories as were under the government of the said company on the first day of January one thousand eight hundred, and in any part of the countries ceded by the nabob of the Carnatic, of the province of Cuttack, and of the settlements of Singapore and Malacca, without any licence whatever; . . . . .

His Majesty's subjects may reside in certain parts of India without licence.

LXXXII. PROVIDED always, and be it enacted, that it shall not be lawful for any subject of his Majesty, except the servants of the said company and others now lawfully authorized to reside in the said territories, to enter the same by land, or to proceed to or reside in any place or places in such parts of the said territories as are not hereinbefore in that behalf mentioned, without licence from the said board of commissioners, or the said court of directors, or the said governor general in council, or a governor or governor in council of any of the said presidencies for that purpose first obtained: Provided always, that no licence given to any natural-born subject of his Majesty to reside in parts of the territories not open to all such subjects shall be determined or revoked unless in accordance with the terms of some express clause of revocation or determination in such licence contained. [Rep., Stat. Law Rev. Act, 1874.]

Subjects of his Majesty not to reside in certain parts of India without licence.

LXXXIII. PROVIDED always, and be it enacted, that it shall be lawful for the said governor general in council, with the previous consent and approbation of the said court of directors for that purpose obtained, to declare any place or places whatever within the said territories open to all his Majesty's natural-born subjects, and it shall be thenceforth lawful for any of his Majesty's natural-born subjects to proceed to or reside in or pass through any place or places declared open, without any licence whatever.

The governor general in council, with previous consent of directors, may declare other places open.

Laws against  
illicit residence  
to be made.

LXXXIV. AND be it enacted, that the said governor general in council shall and he is hereby required, as soon as conveniently may be, to make laws or regulations providing for the prevention or punishment of the illicit entrance into or residence in the said territories of persons not authorized to enter or reside therein.

Laws and  
regulations to  
be made for  
protection of  
natives.

LXXXV. AND whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischiefs or dangers that may arise therefrom: Be it therefore enacted, that the said governor general in council shall and he is hereby required, by laws or regulations, to provide with all convenient speed for the protection of the natives of the said territories from insult and outrage in their persons, religions, or opinions.

Lands within  
the Indian  
territories may  
be purchased.

LXXXVI. AND be it enacted, that it shall be lawful for any natural-born subject of his Majesty authorized to reside in the said territories to acquire and hold lands, or any right, interest, or profit in or out of lands, for any term of years, in such part or parts of the said territories as he shall be so authorized to reside in: Provided always, that nothing herein contained shall be taken to prevent the said governor general in council from enabling, by any laws or regulations, or otherwise, any subjects of his Majesty to acquire or hold any lands, or rights, interests, or profits in or out of lands, in any part of the said territories, and for any estates or terms whatever.

No disability  
for office under  
the company  
in respect of  
religion, colour,  
&c.

LXXXVII. AND be it enacted, that no native of the said territories, nor any natural-born subject of his Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said company.

Slavery to be  
mitigated, and  
abolished as  
soon as prac-  
ticable.

LXXXVIII. AND be it further enacted, that the said governor general in council shall and he is hereby required forthwith to take into consideration the means of mitigating the state of slavery, and of ameliorating the condition of slaves, and of extinguishing slavery throughout the said territories so soon as such extinction shall be practicable and safe, and from time to time to prepare and transmit to the said court of directors drafts of laws or regulations for the purposes aforesaid; and that in preparing such drafts due regard shall be had to the laws of marriage and the rights and authorities of fathers and heads of families; and that such drafts shall forthwith after receipt thereof be taken into consideration by the said court of directors, who shall, with all convenient speed, communicate to the said governor general in council their instructions on the drafts of the said laws and regulations; but no such laws and regulations shall be promulgated or put in force without the previous consent of the said court; and the said court shall, within fourteen days after the first meeting of Parliament in every year, lay before both Houses of Parliament a report of the drafts of such rules and regulations as shall have been received by them, and of their resolutions or proceedings thereon.

LXXXIX. AND whereas the present diocese of the bishoprick of Calcutta is of too great an extent for the incumbent thereof to perform efficiently all the duties of the office without endangering his health and life; and it is therefore expedient to diminish the labours of the bishop of the said diocese, and for that purpose to make provision for assigning new limits to the diocese of the said bishop, and for founding and constituting two separate and distinct bishopricks, but nevertheless the bishops thereof to be subordinate and subject

to the bishop of Calcutta for the time being, and his successors, as their metropolitan: Be it therefore enacted, that in case it shall please his Majesty to erect, found, and constitute two bishopricks, one to be styled the bishoprick of Madras and the other the bishoprick of Bombay, and from time to time to nominate and appoint bishops to such bishopricks under the style and title of bishops of Madras and Bombay respectively, there shall be paid from and out of the revenues of the said territories to such bishops respectively the sum of twenty-four thousand sicca rupees by the year.

If the King erects bishopricks of Madras and Bombay, certain salaries to be paid to the bishops.

XC. AND be it enacted, that the said salaries shall commence from the time at which such persons as shall be appointed to the said office of bishop shall take upon them the execution of their respective offices; and that such salaries shall be in lieu of all fees of office, perquisites, emoluments, or advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken by such bishop or either of them, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid; and that such bishops respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the British territories aforesaid.

Such salaries to commence from time of taking office, and to be in lieu of all fees, &c.

XCI. AND be it enacted, that the said court of directors shall and they are required to pay to the bishops so from time to time to be appointed to the said bishopricks of Madras and Bombay, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of five hundred pounds each, for the purpose of defraying the expences of their equipments and voyage.

Passage money for each such bishop.

XCII. PROVIDED always, and be it enacted, that such bishops shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to them respectively by his Majesty by his royal letters patent under the great seal of the said United Kingdom.

Jurisdiction of such bishops.

XCIII. AND be it enacted, that it shall and may be lawful for his Majesty from time to time, if he shall think fit, by his royal letters patent under the great seal of the said United Kingdom, to assign limits to the diocese of the bishoprick of Calcutta and to the dioceses of the said bishopricks of Madras and Bombay respectively, and from time to time to alter and vary the same limits respectively, as to his Majesty shall seem fit, and to grant to such bishops respectively within the limits of their respective dioceses the exercise of episcopal functions, and of such ecclesiastical jurisdiction as his Majesty shall think necessary for the superintendence and good government of the ministers of the United Church of England and Ireland therein.

The King may by letters patent assign limits to the dioceses, &c.

XCIV. PROVIDED always, and be it enacted, that the bishop of Calcutta for the time being shall be deemed and taken to be the metropolitan bishop in India, and as such shall have, enjoy, and exercise all such ecclesiastical jurisdiction and episcopal functions, for the purposes aforesaid, as his Majesty shall by his royal letters patent under the great seal of the said United Kingdom think necessary to direct, subject nevertheless to the general superintendence and revision of the archbishop of Canterbury for the time being; and that the bishops of Madras and Bombay for the time being respectively shall be subject to the bishop of Calcutta for the time being as such metro-

The bishop of Calcutta to be metropolitan in India.

politan, and shall, at the time of their respective appointments to such bishopricks, or at the time of their respective consecrations as bishop, take an oath of obedience to the said bishop of Calcutta in such manner as his Majesty by his said royal letters patent shall be pleased to direct.

Warrants for bills on letters patent appointing bishops to be countersigned by the president of the board.

XCV. AND be it enacted, that when and as often as it shall please his Majesty to issue any letters patent respecting the bishoprick of Calcutta, Madras, or Bombay, or for the nomination or appointment of any person thereto respectively, the warrant for the bill in every such case shall be countersigned by the president of the board of commissioners for the affairs of India, and by no other person.

The King may grant certain pensions to bishops of Madras and Bombay.

XCVI. AND be it enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual, countersigned by the chancellor of the Exchequer for the time being, to grant to any such bishop of Madras or Bombay respectively, who shall have exercised in the British territories aforesaid for fifteen years the office of such bishop, a pension not exceeding eight hundred pounds per annum, to be paid quarterly by the said company.

Payments in respect of salary of a bishop of Madras or Bombay dying while in office.

XCVII. AND be it enacted, that in all cases when it shall happen the said person nominated and appointed to be bishop of either of the said bishopricks of Madras or Bombay shall depart this life within six calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such bishop, there shall be payable out of the territorial revenues from which the salary of such bishop so dying shall be payable, to the legal personal representatives of such bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such bishop in respect of his salary, make up the full amount of one year's salary; and when and so often as it shall happen that any such bishop shall depart this life while in possession of such office, and after the expiration of six calendar months from the time of his arrival in India for the purpose of taking upon him such office, then and in every such case there shall be payable, out of the territorial revenues from which the salary of the said bishop so dying shall be payable, to his legal personal representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such bishop for six calendar months.

Provision for reckoning residence of bishop of Madras or Bombay, if translated to Calcutta, &c.

XCVIII. AND be it enacted, that if it shall happen that either of the bishops of Madras or Bombay shall be translated to the bishoprick of Calcutta, the period of residence of such person as bishop of Madras or Bombay shall be accounted for and taken as a residence as bishop of Calcutta; and if any person now an archdeacon in the said territories shall be appointed bishop of Madras or Bombay, the period of his residence in India as such archdeacon shall for all the purposes of this Act be accounted for and taken as a residence as such bishop.

Provision for consecration of any person under the degree of a bishop, if resident in India, appointed to a bishoprick.

XCIX. PROVIDED also, and be it enacted, that if any person under the degree of a bishop shall be appointed to either of the bishopricks of Calcutta, Madras, or Bombay, who at the time of such appointment shall be resident in India, then and in such case it shall and may be lawful for the archbishop of Canterbury, when and as he shall be required so to do by his Majesty by his royal letters patent under the great seal of the said United Kingdom, to issue a commission under his hand and seal, to be directed to the two remaining

bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a bishop.

C. AND be it enacted, that the expences of visitations to be made from time to time by the said bishops of Madras and Bombay respectively shall be paid by the said company out of the revenues of the said territories; provided that no greater sum on account of such visitations be at any time issued than shall from time to time be defined and settled by the court of directors of the said company, with the approbation of the commissioners for the affairs of India.

Provision for expences of visitations of bishops of Madras and Bombay.

CI. AND be it enacted, that no archdeacon hereafter to be appointed for the archdeaconry of the presidency of Fort William in Bengal, or the archdeaconry of the presidency of Fort Saint George, or the archdeaconry of the presidency and island of Bombay, shall receive in respect of his archdeaconry any salary exceeding three thousand sicca rupees per annum: Provided always, that the whole expence incurred in respect of the said bishops and archdeacons shall not exceed one hundred and twenty thousand sicca rupees per annum.

No archdeacon to have a salary exceeding 3,000 sicca rupees.

Proviso as to total expence of church establishment.

CII. AND be it enacted, that of the establishment of chaplains maintained by the said company at each of the presidencies of the said territories two chaplains shall always be ministers of the Church of Scotland, and shall have and enjoy from the said company such salary as shall from time to time be allotted to the military chaplains at the several presidencies: Provided always, that the ministers of the Church of Scotland to be appointed chaplains at the said presidencies as aforesaid shall be ordained and inducted by the presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland, and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the presbytery of Edinburgh, whose judgments shall be subject to dissent, protest, and appeal to the provincial synod of Lothian and Tweeddale and to the general assembly of the Church of Scotland: Provided always, that nothing herein contained shall be so construed as to prevent the governor general in council from granting from time to time, with the sanction of the court of directors and of the commissioners for the affairs of India, to any sect, persuasion, or community of Christians not being of the United Church of England and Ireland, or of the Church of Scotland, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship.

Two chaplains of the Church of Scotland to be on the establishment of each presidency.

Proviso as to grants to other sects.

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CXII. AND be it enacted, that the island of Saint Helena, and all forts, factories, public edifices, and hereditaments whatsoever in the said island, and all stores and property thereon fit or used for the service of the government thereof, shall be vested in his Majesty, his heirs and successors; and the said island shall be governed by such orders as his Majesty in council shall from time to time issue in that behalf.

Saint Helena vested in the crown.

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## CHAPTER LXXXVI.

AN ACT to provide for the Payment of certain ancient Grants and Allowances formerly paid out of the Civil List Revenues. [28th August 1833.]

2 & 3 Will. 4.  
c. 116.

1 Will. 4. c. 25.

The Treasury may authorize the commissioners of woods, forests, &c. to apply, out of the, revenues under their management, an annual sum for payment of certain ancient grants formerly chargeable on the civil list.

**W**HEREAS an Act was passed in the second and third years of the reign of his present Majesty, intituled "An Act to provide for the salaries of certain high and judicial officers, and of payments heretofore made out of the civil list revenues," whereby provision was made for several of the payments formerly made out of the civil list revenues for which no provision had been made in the civil list of his present Majesty: And whereas, in order fully to provide for all the several officers and payments formerly charged upon and paid out of the civil list revenues, as contemplated by and set forth in an Act passed in the first year of the reign of his present Majesty, intituled "An Act for the support of his Majesty's household, and of the honour and dignity of the crown of the United Kingdom of Great Britain and Ireland," it is necessary to authorize the payment, out of the hereditary land revenues of the crown, of certain ancient perpetuities, grants, stipends, salaries, and allowances heretofore charged upon the civil list in England and Ireland, and not yet provided for by Parliament: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, from time to time to direct and authorize the commissioners of his Majesty's woods, forests, land revenues, works, and buildings, to pay and apply, out of the produce of the hereditary land revenues, woods, and forests of the crown under their management, an annual sum not exceeding in the whole six thousand one hundred and fifty-seven pounds seventeen shillings and eight-pence, for the payment of divers ancient perpetuities, grants, stipends, salaries, and allowances, which prior to the accession of his present Majesty had been chargeable on and paid out of the civil list revenues of England and Ireland, and for which no provision has been made by the said recited Acts; the said charge to commence and take effect, and to be paid and payable, from the fifth day of April one thousand eight hundred and thirty-two: Provided always, that nothing herein contained shall authorize the commissioners of the Treasury to give or grant any greater, higher, or other interest in any of the said perpetuities, grants, stipends, salaries, and allowances, than the parties respectively entitled thereto held or enjoyed under the grants in force at the time of the decease of his late Majesty.

## CHAPTER LXXXVII.

AN ACT for remedying a Defect in Titles to Messuages, Lands, Tenements, and Hereditaments allotted, sold, divided, or exchanged under Acts of Inclosure, in consequence of the Award not having been inrolled, or not having been inrolled within the Time limited by the several Acts; and for authorizing the Appointment of new Commissioners in certain Cases where the same shall have been omitted. [28th August 1833.]

**W**HEREAS by divers Acts of Inclosure the awards or instruments in writing thereby directed to be formed and drawn up or made by the

commissioner or commissioners appointed by or by virtue of such Acts for executing the powers and authorities thereof respectively, are directed or required to be inrolled by or with the clerk of the peace of the county, riding, division, soke, or place, in which the lands to which such Acts respectively relate are situated, or in one of his Majesty's courts of record at Westminster, or in some other court, and, in certain of the said Acts, within certain times mentioned in such Acts next after the execution of such awards or instruments in writing respectively; and in certain of the said Acts new commissioners are directed to be appointed within certain times thereby respectively limited: And whereas in a great number of instances such awards or instruments in writing have not been inrolled, or have not been inrolled within the time directed or required by the several Acts; and by reason of such omission the title to the messuages, lands, tenements, and hereditaments allotted, sold, divided, or exchanged under such Acts respectively may be considered defective; and in many instances new commissioners have not been appointed within the time directed by the several Acts: And whereas it is expedient that provision should be made for remedying such defects: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every award already made and executed under or in pursuance of any Act of Inclosure, and which has not been inrolled, or which has not been inrolled within the time limited by the Act under or in pursuance of which such award shall have been made, shall from the time of the execution of such award be as good and valid and of the same effect in all respects, as if such award had been inrolled in the manner, and within the time, if any, appointed and limited for that purpose in the Act under or in pursuance of which the same has been made.

All awards already made but not inrolled shall, from the execution thereof, be as valid as if inrolled within the time limited by the Act.

II. AND be it further enacted, that where any award already made and executed under or in pursuance of any Act of Inclosure has not been inrolled, it shall be lawful for any person or persons having or deriving title to any messuages, lands, tenements, and hereditaments under such award, at his, her, or their expence, to require and cause such award, with any maps or plans annexed or relating thereto, to be inrolled in any one of his Majesty's courts of record at Westminster, or by the clerk of the peace of the county, riding, division, soke, or place, in which the lands to which such award shall relate are situated, to the end that recourse may be had thereto by any person or persons interested therein, for the inspection and perusal whereof no more than one shilling shall be paid; and a copy of such award when so inrolled, or of any part thereof, signed by the proper officer of the court wherein the same shall be inrolled, or by the clerk of the peace for such county, riding, division, soke, or place, or his deputy, purporting the same to be a true copy, shall from time to time be made and delivered by such officer or clerk of the peace for the time being, or his deputy, to any person or persons requesting the same, for which no more shall be paid than three-pence for every sheet of seventy-two words; and every award already made, whether inrolled or not, and every copy of such award when inrolled as aforesaid, or of any part thereof, signed as aforesaid, shall at all times be admitted and allowed in all courts whatsoever as legal evidence.

Proprietors of lands may cause awards to be inrolled.

Copy of any award so inrolled and signed by the proper officer to be delivered to any person requiring the same.



Award may be inrolled in certain cases without acknowledgment of commissioner.

Custody and production of awards.

III. AND be it further enacted, that if any commissioner shall be dead or incapable of acknowledging his award before such award shall be inrolled, the same award may be inrolled without the acknowledgment of such commissioner, on due proof being given that such award is the deed or instrument of such commissioner.

IV. AND be it further enacted, that where any award already made and executed under or in pursuance of any Act of Inclosure shall be deposited in any parish church, it shall be considered as in the custody of the officiating minister and churchwardens for the time being of such parish church; and where any such award shall be in the possession of the lord of any manor to or for whom, or to or for any preceding lord of which manor, any allotment shall have been made under such award, or in the possession of the steward of such manor, it shall be considered as in the custody of the lord of such manor for the time being; and the steward shall, when required, deliver up the same accordingly; and the said minister and churchwardens, or lord, as the case may be, shall from time to time, upon the request of any person or persons interested in any allotment or allotments, or otherwise, under such award, cause the same to be produced for the inspection of such person or persons, on being paid by him, her, or them a just and reasonable compensation for such production, and shall also cause the same to be produced for the purpose of being inrolled, or in any court of law or equity, or on any other occasion, for the purpose of being given in evidence, on being paid all just expences.

Proprietors may, in certain cases, require award to be deposited in the parish church.

V. AND be it further enacted, that where any such award as aforesaid shall not be deposited in the parish church of the parish in which the lands to which such award shall relate are situated, and shall not be in the possession of the lord or steward of any manor to or for the present or any preceding lord of which manor an allotment shall have been made under such award, but shall be in the possession of any other person, it shall be lawful for any person or persons interested in any allotment or allotments, or otherwise, under such award, to require the same to be deposited in the parish church of the parish in which the lands to which such award shall relate are situated; and the person in whose possession the same shall be shall, on such request, deliver up the same to the minister and churchwardens for the time being of such parish church, for the purpose of being so deposited.

Appointment of new commissioners in cases where they have not been appointed within due time.

VI. AND be it further enacted, that in all cases where in or by virtue of any Act or Acts of Inclosure heretofore passed provision hath been made for the election, nomination, or appointment, within a time therein limited or directed, of a new commissioner or commissioners in the event of the death, refusal, or neglect to act of the commissioner or commissioners appointed by or by virtue of such Act or Acts, or of his or their becoming, by reason of absence beyond the seas, or otherwise, incapable of acting in the execution of the powers, authorities, and trusts in such commissioner or commissioners vested and reposed, before the same and every of them shall have been fully executed and performed, and where any such election, nomination, or appointment as aforesaid, or any of them, shall have been neglected or omitted to have been made, pursuant to such Act or Acts, within the time or times thereby limited or directed, then and in every such case it shall and may be lawful to and for the person or persons by any such Act or Acts of Inclosure authorized or empowered for that purpose, and on such notice or notices and at such

meeting or meetings (if any) as required or directed by any such Act or Acts of Inclosure, to proceed at any time after the passing of this Act to the election, nomination, and appointment of, and to elect, nominate, and appoint in such manner as by such Act or Acts of Inclosure is or are directed, one or more fit and proper person or persons (as the case may require), not interested in the division, allotment, or inclosure by such Act or Acts of Inclosure directed or authorized to be made, and not otherwise disqualified by such Act or Acts respectively, as a commissioner or commissioners in the room, place, or stead of the commissioner or commissioners so dying, refusing, or neglecting, or becoming incapable of acting as aforesaid, and to do all other acts, matters, and things which shall be requisite or necessary for effecting the purposes aforesaid, notwithstanding the time so limited or appointed as aforesaid for doing or performing the same shall then have elapsed, and so from time to time as often as any commissioner so to be elected, nominated, or appointed as aforesaid shall die, refuse, neglect, or become incapable of acting as aforesaid; and the several writings appointing such new commissioner or commissioners, and all other documents (if any) relative thereto, shall be deposited or disposed of as by such Act or Acts of Inclosure is or are directed; and every commissioner to be elected, nominated, or appointed by virtue of this Act to execute the powers, authorities, and trusts of any Act or Acts of Inclosure as aforesaid, having first taken the oath or oaths, and complied with the other terms or conditions (if any) prescribed in and by such Act or Acts of Inclosure, shall have the same powers and authorities, and no others, for putting or carrying into execution such Act or Acts, as if he had been duly elected, nominated, and appointed for those purposes, within the time limited or directed by such Act or Acts of Inclosure.

VII. PROVIDED always, and be it further enacted, that nothing herein contained shall extend to affect any public right, or otherwise to give any greater force or validity to any award already made and executed under or in pursuance of any Act of Inclosure, than such award would have had if this Act had not been made, except so far as respects the several defects herein-before respectively specified and provided for.

This Act not to give greater validity to awards except as respects the defects herein provided for.

## CHAPTER XC.

AN ACT to repeal an Act of the Eleventh Year of His late Majesty King George the Fourth, for the lighting and watching of Parishes in England and Wales, and to make other Provisions in lieu thereof.

[28th August 1833.]

\* \* \* \* \*

IV. AND whereas it is desirable to make provision for the lighting and watching of the several parishes in England and Wales: Be it enacted, that this Act, and the several provisions thereof, shall apply to and may be adopted, under and subject to the regulations herein contained, by all or any or either of the parishes in England and Wales.

Act applicable to all parishes.

V. AND be it further enacted, that from and after the passing of this Act, upon the application in writing of three or more of the ratepayers of any parish, it shall be lawful for the churchwardens thereof, and they are hereby

On application of three ratepayers, churchwardens shall

convene a meeting of ratepayers to determine whether the provisions of this Act shall be adopted.

required, within ten days after the receipt of such application as aforesaid, to appoint and notify a time and place for a public meeting of the ratepayers of the said parish, for the purpose of determining whether the provisions in this Act contained shall be adopted and carried into execution in the said parish: Provided always, that the time appointed for holding the said meeting shall not be less than ten days and not more than twenty-one days from the time of the said application so being delivered to them as aforesaid; and that notification of the time and place of meeting shall be made by forthwith affixing a notice on the principal outer door of every parish church or chapel situate within such parish, or on the usual place of affixing notices relating to the parochial affairs of any such parish, and also by publication of the same in the parish church or chapel on the Sunday previous to the day appointed for holding such meeting, during or immediately after divine service.

Chairman to be elected, who shall determine any controversies.

VI. AND be it further enacted, that such person as may be elected by the ratepayers present shall preside as chairman at such meetings; and that if any controversy shall arise at any such meeting as to the qualification or right of voting or eligibility of any person claiming to vote, or as to the qualification or eligibility of any candidate, such controversy shall be determined by the chairman presiding at such meeting.

Chairman to read requisition, and require persons to determine whether Act shall be adopted.

VII. AND be it further enacted, that the chairman who shall preside at any meeting assembled as herein directed shall read or cause to be read the requisition whereupon the meeting shall have been summoned, and shall require the persons assembled thereat to determine by majority of votes, as herein mentioned, whether the provisions of this Act, as herein set forth, shall or shall not be adopted and acted upon within such parish: Provided nevertheless, that it shall be lawful for the majority of the ratepayers present to adjourn such meeting from time to time.

If meeting determine to adopt Act, the provisions of this Act shall thenceforth take effect.

VIII. AND be it further enacted, that if at any such meeting it shall be determined by a majority consisting of two thirds of the votes of the ratepayers present at such meeting that the provisions of this Act shall be adopted, then and in such case such provisions shall from thenceforth take effect and come into operation in such parish; and it shall forthwith be determined that a certain number, not being more than twelve nor less than three inspectors, shall be elected to carry such purposes into effect; and the number of inspectors so determined upon shall be elected in manner herein mentioned.

Ratepayers shall fix amount of money to be raised.

IX. AND be it further enacted, that the ratepayers of such parish shall at their first meeting or at some adjournment thereof, and so on from time to time in every succeeding year at a meeting to be called for that purpose in manner herein directed, fix and determine the total amount of money which the inspectors shall have power to call for in any one year, in order to carry into effect the provisions of this Act; such sum to be raised in the manner herein directed, upon the full and fair annual value of all property rateable for the relief of the poor within such parish, such full and fair annual value to be computed according to the last valuation for the time being acted upon in assessing the poor's rate for the said parish: Provided nevertheless, that any five rated inhabitants, qualified to vote as herein mentioned, may, at such meeting or adjournment thereof, in writing given to the chairman of the said meeting, demand a poll to be taken of the ratepayers qualified to vote

Poll may be demanded as to adoption of Act, &c.

upon the question as to whether this Act and the provisions thereof, or any part thereof, shall be adopted in such parish, and also as to the amount of money to be raised in the succeeding year for the purposes thereof, and the number of inspectors to be elected as determined at such meeting; and which said demand of a poll the said chairman is required forthwith to deliver to the churchwardens of the said parish.

X. AND be it further enacted, that the said churchwardens of the said parish shall, on the first Sunday next after the receipt of such demand of a poll, affix or cause to be affixed a notice on the principal outer door of every parish church or chapel situate within such parish, or on the usual place of affixing notices relating to parochial affairs of any such parish, specifying some day, not earlier than ten days and not later than twenty-one days after such Sunday, and at what place or places within the said parish, the ratepayers are required to signify their votes for or against the adoption of this Act, or such part thereof as may have been agreed upon at the said meeting, as well as with respect to the annual amount of money to be raised in the succeeding year for the purposes thereof, and the number of inspectors to be elected as determined at such meeting; which votes shall be received on two successive days commencing at eight of the clock in the forenoon and ending at four of the clock in the afternoon of each day; and the said notice shall be to the following effect:

Notice of poll  
to be given  
by church-  
wardens.

THE churchwardens of this parish [insert the name of the parish] having received a demand for a poll duly signed according to the provisions of an Act of the fourth year of the reign of King William the Fourth, intituled "An Act," &c. [setting out the title of the Act], the ratepayers of this parish of [insert the name of the parish] are hereby required, all and each of them, on the                      day of                      next, and the following day, to signify to the said churchwardens, by a declaration, either printed or written, or partly printed or partly written, addressed and delivered to one of the churchwardens at [insert here the place], their votes for or against the adoption of the aforesaid Act, or so much thereof as relates to watching or lighting [as the case may be], the amount of the money to be raised in the succeeding year for the purposes thereof being [here insert the sum agreed on at the meeting], and the number of inspectors to be elected [insert the number also agreed on], such sum and such number of inspectors being fixed and determined upon at a meeting of the ratepayers called pursuant to the said Act.

Form of  
notice.

(Signed)

' Churchwardens.'

XI. AND be it further enacted, that the said declaration shall be to the following effect:

Form of decla-  
ration.

I A.B., of                      street [or                      place or house] in this parish of                      , vote [for or against, as the case may be,] the adoption of the Act of the fourth year of the reign of his Majesty King William the Fourth, intituled "An Act," &c. [set out title of the Act], or so much thereof as relates to watching or lighting [as in the notice], the amount of the money to be raised in the succeeding year for the purposes thereof being [as in notice], and the number of inspectors to be elected [as in notice.]

Churchwardens  
to examine  
the votes, and  
declare whe-  
ther two thirds  
of them are in  
favour of  
adopting this  
Act.

XII. AND be it further enacted, that the said churchwardens shall carefully examine the votes to them delivered as aforesaid, and shall compare them with the last rate made for the relief of the poor of the said parish, and shall be empowered to call before them and examine any parish officer touching the said votes, or any ratepayer so giving his vote, and after a full and fair summing up of the said votes shall, by public notice according to the form and manner hereafter prescribed, declare whether or not two thirds of the votes given have been given in favour of the adoption of the said Act (or so much thereof as relates to watching or lighting, as in the notice), and also as to the sum of money to be raised in the succeeding year, and the number of inspectors to be elected to be (as in the notice): Provided always, that the whole number of persons voting shall be a clear majority of the ratepayers of the parish: Provided also, that in case of a poll being demanded as aforesaid the adoption or non-adoption of this Act, with the sum to be raised, and the number of inspectors to be elected as aforesaid, shall be decided by such number of votes as aforesaid: Provided also, that the expenses incurred by the churchwardens in calling such meeting, giving the notices as aforesaid, and in taking such poll, shall be paid out of the rate collected for the relief of the poor in the said parish.

Ratepayers  
may inspect  
votes.

XIII. PROVIDED always, and be it further enacted, that any of the ratepayers of the aforesaid parish, not exceeding five together, may inspect, at or in the vestry-room or in some convenient place within the same parish, and they are hereby empowered to inspect, the votes so given for and against the adoption of this Act, with the sum to be raised, and number of inspectors to be elected as aforesaid, at all seasonable times within one month after such notice shall have been given; and the churchwardens of the said parish are hereby required carefully to preserve the said votes, and freely to permit and allow the examination thereof by the aforesaid ratepayers of the said parish at all seasonable times within the period aforesaid.

No person to  
vote unless he  
has been rated  
one year, &c.

XIV. AND be it further enacted, that no person shall be deemed a ratepayer, or be entitled to vote, or do any other act, matter, or thing as such under the provisions of this Act, unless he or she shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such ratepayer, and shall have paid all the parochial rates, taxes, and assessments due from him or her at the time of so voting or acting, except such as have been made or become due within the six months immediately preceding such voting.

Notice of  
adoption of  
this Act.

XV. AND be it further enacted, that notice of the adoption of this Act (or any part thereof, specifying it), with the amount of the sum to be raised in the succeeding year, and the number of inspectors to be elected by any parish, shall be forthwith given by the churchwardens for the time being of the said parish, by affixing a notice of the same to the principal door of every church and chapel within the said parish, or on the usual place of affixing notices relating to the parochial affairs of such parish; and in such case the provisions of this Act shall from thenceforth take effect and come into operation in such parish: Provided always, that it shall be lawful for the inhabitants present at any meeting called in manner herein directed, at any time after the expiration of three years from the time when the provisions of this Act shall have been adopted, to determine that the provisions of this Act shall, from and after a

Act may be  
abandoned.

day to be fixed upon at such meeting, cease to be acted upon; in which case, from and after such last-mentioned day, the provisions of this Act shall no longer be in force in such parish: Provided nevertheless, that the provisions in this Act contained shall remain and continue in force for the purpose of collecting and recovering any rate which may have been previously made; and if on the abandonment and ceasing to act upon the provisions of this Act there shall be any balance in the hands of the said inspectors after defraying the expenses incurred in carrying into effect the provisions of this Act, the said balance shall be paid over to the overseers of the poor of the said parish, to be applied in aid of the poor rates of the said parish.

XVI. AND be it further enacted, that in case any such meeting convened as aforesaid, or, in case of a poll having been demanded as aforesaid, a majority of two thirds of the votes as aforesaid shall not have determined to adopt the provisions of this Act, it shall not be lawful for the inhabitants to meet again in less than one year from the period at which such meeting shall have been so convened as aforesaid.

If Act is not adopted, another meeting shall not be held within one year.

XVII. AND be it further enacted, that the inspectors herein mentioned shall be elected in manner following; (that is to say,) the churchwardens of any parish adopting the provisions of this Act shall, in the manner herein first directed, forthwith call a meeting of the ratepayers of such parish; and each candidate, being a person who shall reside within such parish, and who shall have been assessed or charged by the last rate made for the relief of the poor in respect of a dwelling house or other tenement or premises of the annual value, according to the said rate, of fifteen pounds or more, shall be eligible to be elected an inspector for the purposes of this Act, and shall be proposed at the said meeting by some person duly qualified to vote thereat, and shall be seconded by some other person in like manner qualified; and if more candidates than the number of inspectors authorized to be elected shall be proposed, and a poll shall be demanded by any ten persons qualified to vote on behalf of any such candidates, then the chairman shall open and proceed with such poll, and in a book or books prepared for that purpose, which book or books the churchwardens are hereby required to cause to be prepared, shall enter or cause to be entered the name of all such candidates, and the name of every person duly qualified to be present and vote who shall desire to vote, together with his description and abode, and shall register the vote of every such person for every or any such candidate as every such person may respectively require; and if the votes of all the persons duly qualified and desirous to vote cannot be conveniently collected and registered by four of the clock of the same day upon which the poll shall have been commenced, then the chairman shall at that hour adjourn such poll to the day next succeeding, unless such day shall be a Sunday, Christmas Day, or Good Friday, and in that case to the day following, and then to proceed to collect and register the votes of all persons duly qualified and applying to vote; provided nevertheless, that the poll shall finally close at four of the clock on the day to which it shall have been adjourned, or sooner, provided all persons duly qualified and desirous to vote shall have voted, and after the lapse of one hour without any person offering to vote; and as soon after the close of the poll as may be possible the result thereof shall be declared at the place where the election may have been holden, and certified by the chairman to the overseers of the poor; and the said

Mode of electing inspectors.

churchwardens shall be reimbursed all such reasonable charges and expenses as may be incurred in providing clerks and books, and otherwise in the performance of the duties hereby required of them by the candidates at the said election for the said office: Provided nevertheless, that if the provisions of this Act are adopted at the meeting first called for that purpose, the said inspectors may be appointed at the same time by the ratepayers of such parish then present, unless a poll should be demanded; and if such poll should be demanded it shall be proceeded with as herein directed.

At the end of twelve months the inspectors to give notice to churchwardens that they are ready to produce their accounts, and churchwardens to call a meeting for that purpose.

XVIII. AND be it further enacted, that in every parish adopting the provisions of this Act the inspectors shall, within one month next after the expiration of twelve calendar months from the day of such adoption, give notice to the churchwardens of the said parish that they are ready to produce their accounts and vouchers for the previous year; and thereupon the said churchwardens shall give due notice, in the manner required with respect to the first meeting to be held under this Act, that a meeting of the ratepayers of the said parish will be held at an hour and place in the said notice to be mentioned, on some day, not being a Sunday, within ten days from the receipt of such notice, for the purpose of the said inspectors producing such accounts and vouchers, and for the election of inspectors for the execution of this Act, and for determining the amount of the money to be raised for the purposes of this Act for the current year; and in every future year such meeting shall, for the purposes aforesaid, be held on the same day in the corresponding month, except such day should fall on a Sunday, and then on the day following.

Meetings in future years.

Inspectors at such meetings to produce accounts, &c.

XIX. AND be it further enacted, that at such annual meeting the said inspectors shall produce their accounts and vouchers of all monies received and paid by virtue of this Act for the previous year; and a duplicate or copy of such accounts, verified on oath before any two justices by the said inspectors, or any two of them, shall be deposited with the said inspectors, and shall be open at all reasonable times to the inspection of all parties interested; and at such annual meeting one third of the inspectors, or as near thereto as the number appointed will admit of, shall go out of office in rotation; and in place of such inspectors so going out of office a like number of other inspectors shall be elected: Provided always, that any of such outgoing inspectors shall be re-eligible, and may be re-elected, and shall in such case continue to act and remain in office, anything herein contained to the contrary notwithstanding.

One third of them to go out of office annually, and others to be elected.

Chairman to decide questions as to eligibility, &c.

XX. AND be it further enacted, that the chairman appointed to preside at such annual meeting shall proceed in such manner as the chairman at the first meeting to be held under this Act is herein-before directed to proceed at the election of the inspectors to be first appointed for the execution of this Act, and shall decide on questions which may arise as to the eligibility or qualification of any person whatsoever, and as to all matters whatsoever connected with the said election, and shall declare the result of the same as aforesaid.

How casual vacancies in the number of inspectors shall be filled up.

XXI. AND be it further enacted, that in case any inspector shall die, or become disqualified by change of residence or otherwise, or shall neglect to act, and in case of any casual vacancy happening in any manner whatever, so that the number of inspectors shall be reduced to less than three, notice shall be immediately given by the acting inspectors to the churchwardens of the parish, who shall forthwith, in the manner directed by this Act, call a meeting of the

rated inhabitants as aforesaid for the purpose of filling up such vacancy or vacancies.

XXII. AND be it further enacted, that the inspectors for executing this Act in any parish shall meet on the first Monday in every month, at noon, at some convenient place or office previously publicly notified; and at such monthly meeting it shall be lawful for any inhabitant rated to the relief of the poor of any such parish to appear there, and prefer any matter of complaint which he may think proper to make concerning any matter or thing done by force or in pursuance of or under pretence of the provisions of this Act.

Inspectors to meet monthly.

XXIII. AND be it further enacted, that such inspectors shall meet at all other times and so often as at any previous meeting shall be determined upon; and it shall be at all times competent for any one inspector, when three inspectors only shall have been appointed, and in all other cases for any two inspectors, by writing under his or their hands, to summon, upon at least forty-eight hours notice, the inspectors for any special purpose therein named, and for such time as shall be therein named; and that at all meetings of such inspectors any number not less than one third of the whole number when more than three inspectors shall have been appointed, and when only three inspectors shall have been appointed then not less than two inspectors, shall constitute a quorum for transacting business.

Special meetings of inspectors.

Quorum.

XXIV. AND be it further enacted, that it shall be lawful for the said inspectors elected in any parish under this Act for the time being, and they are hereby authorized and required, to appoint, during pleasure, such treasurer and other officers as they shall think necessary for effecting the purposes of this Act, and to remove and displace the same, and to hire and rent a sufficient office or house or room for holding their meetings and transacting their business, and also to appoint suitable salaries, wages, and allowances to and for such treasurer and other officers, and also to agree for a reasonable rent for such office or house or room, and to pay such salaries, wages, and allowances, and such rent, out of the monies received by the inspectors under the authority of this Act: Provided nevertheless, that no person shall at the same time hold two offices or situations under the said inspectors.

Inspectors to appoint treasurer and officers during pleasure, and rent an office for the transaction of their business, &c.

XXV. AND be it further enacted, that it shall be lawful for the said inspectors, or any two or more of them, and they are hereby required, to take security from the treasurer to be appointed by virtue of this Act for the due execution of his office of treasurer, according to the true intent and meaning of this Act, which security shall be to the full amount of the sum likely to be in the hands of the said treasurer at any one time; and in case any such treasurer shall neglect or refuse for the space of three weeks next after his appointment to give or offer such security to the satisfaction of the said inspectors, then the appointment of every such person so neglecting or refusing shall be null and void to all intents and purposes, and the said inspectors shall within three weeks then next assemble and appoint some other fit and proper person to the office of treasurer, instead of the person so refusing or neglecting as aforesaid, and shall so assemble and appoint from time to time until security shall be given to their satisfaction as aforesaid.

Security to be taken from treasurer.

XXVI. AND be it further enacted, that every such treasurer and other officer appointed by virtue of this Act shall, under his respective hand, and at such time or times and in such manner as the said inspector shall direct,

Treasurer and officers to account.



Proceedings  
against officers  
neglecting to  
account.

deliver to the said inspectors, or such person as they shall appoint true and perfect accounts in writing of all matters and things committed to his charge by virtue of this Act, and also of all monies which shall have been by such officer received by virtue of or for the purposes of this Act, and of how much thereof shall have been expended and disbursed and for what purposes, together with proper vouchers for such payments; and that every such officer shall pay all such monies as shall remain due from him to the treasurer for the time being, or to such person or persons as the said inspector shall appoint to receive the same; and if any such treasurer, officer, or other person shall refuse or neglect to make and render such account, or to produce and deliver up the vouchers relating to the same, or to make payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said inspectors, or to such person or persons as they shall appoint to receive the same, within three days after being thereunto required by the said inspectors, by notice in writing under the hands and seals of any two or more of the said inspectors given to or left at the last or usual place of abode of such officer, all books, papers, and writings in his custody or power relating to the execution of this Act, or to give satisfaction to the said inspectors or such other person or persons as aforesaid respecting the same, then and in every such case, upon complaint made by the said inspectors, or by such person or persons as they the said inspectors shall appoint for that purpose, of any such refusal or wilful neglect as aforesaid, to any justice of the peace, such justice may and he is hereby authorized and required to issue a summons under his hand and seal for the officer so refusing or neglecting to appear before two justices of the peace; and upon the said officer appearing, or having been so summoned and not appearing without some sufficient and reasonable excuse, or not being found, it shall be lawful for the said justices to hear and determine the matter in a summary way; and if upon confession of the party or by the testimony of any credible witness or witnesses upon oath (which oath such justices are hereby empowered to administer), it shall appear to such justices that any monies remain due from such officer, such justices may and they are hereby authorized and required, upon nonpayment thereof, by warrant under their hands and seals, to cause such money to be levied by distress and sale of the goods and chattels of such officer; and if no goods and chattels of such officer shall be found sufficient to answer and satisfy the said money and the charges of distraining and selling the said goods and chattels, or if it shall appear to such justices that such officer had refused or wilfully neglected to render and give such account, or to produce the vouchers relating thereto, or that any books, papers, or writings relating to the execution of this Act remained in the hands or in the custody or power of such officer, and he refused or wilfully neglected to deliver or give satisfaction respecting the same as aforesaid, then and in every such case such justices shall and they are hereby required to commit such offender to the common gaol or house of correction for the county, city, or place where such offender shall be or reside, there to remain without bail or mainprise, until he shall have given a true and perfect account as aforesaid, or until he shall have paid such monies as aforesaid, or compounded with the said inspectors for such money, and shall have paid such composition in such manner as they shall appoint (which composition the said inspectors are hereby empowered to make and receive), and until he shall have delivered

up such books, papers, and writings, or given satisfaction in respect thereof, to the said inspectors, or to such other person or persons as aforesaid; but no such offender shall be kept or detained in such common gaol or house of correction for want of sufficient distress by virtue of this Act for any longer space of time than three calendar months.

XXVII. AND be it further enacted, that no prosecution or commitment, under the provisions of this Act, of any treasurer or other officer or person to be appointed under the powers of this Act, shall acquit or discharge any surety or security that shall or may have been taken by or given to the said inspectors for the due and faithful execution of his or their office, or the payment of the monies received or to be received by him or them respectively.

Commitment of offender not to discharge his sureties.

XXVIII. AND be it further enacted, that if any person who shall be employed as treasurer, or any other officer or servant who shall be in anywise employed by the said inspectors for putting this Act or any of the powers thereof into execution, shall exact, take, or accept any fee or reward whatsoever, other than such salaries, allowances, and rewards as are appointed by this Act, or shall be appointed, allowed, and approved of by the said inspectors, for or on account of anything done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, or shall in anywise be concerned or interested in any bargain or contract made or to be made by the said inspectors; and no person, during the time he holds the office of inspector, shall accept or hold any office or place of trust created by virtue of this Act within the said parish, or shall be concerned directly or indirectly in any contract with the said parish; every such person so offending shall be incapable of ever serving or being employed under this Act, and shall over and above forfeit the sum of fifty pounds to any person or persons who shall sue for the same.

Officers taking any fee or reward besides the salary or fees appointed to forfeit 50l.

XXIX. AND be it further enacted, that the said inspectors may sue and be sued in the name of any one of the inspectors for the time being; and all actions or suits that may be necessary or expedient to be brought for the recovery of any penalty or sum of money due or payable by virtue of this Act, or for or in respect of any other matter or thing relating to this Act, may be brought in the name of any one of the said inspectors; and that no action or suit which may be brought, commenced, or prosecuted by or against the said inspectors or any of them, by virtue or on account of this Act, shall abate or be discontinued by the death, resignation, or removal of such inspector, but such inspector shall be deemed plaintiff or defendant in any such action or suit (as the case may be): Provided also, that in all cases in which the inspector as aforesaid shall, in pursuance of this Act, be the plaintiff or defendant on the record in any action or actions, suit or suits, in which in effect the said inspectors shall be suing or sued in the name of such one inspector as aforesaid, he (although appearing as the plaintiff or defendant on the record) may and shall nevertheless (if not otherwise interested or objectionable) be a good, examinable, and competent witness in every action or suit, either for or against the said inspectors; and all the affidavits of debt or service which may be necessary or expedient to be made preparatory to or in the prosecution or defence of any and every such action, suit, or proceeding shall and may be lawfully made by such one inspector, notwithstanding he shall be nominal plaintiff or defendant on the record as aforesaid: Provided also, that every or

Inspectors may sue and be sued in the name of any one of them.

any such inspector in whose name any action or suit shall be commenced, prosecuted, or defended in pursuance of this Act shall always be reimbursed and paid, out of the monies to arise by virtue of this Act, all such costs, charges, and expenses as he shall be put to or become chargeable with by reason of his being made plaintiff or defendant therein; and in case of his removal from office, or ceasing to act as such inspector, all such costs, charges, and expenses shall be paid by the inspector for the time being; and no inspector shall be personally answerable or liable for the payment of the same or any part of them, unless such action or suit shall arise in consequence of his own wilful neglect or default, or have been brought or commenced or be defended without the order or direction of the said inspectors.

Proceedings  
at meetings of  
inspectors to  
be entered in  
books, which  
shall be good  
evidence.

XXX. AND be it further enacted, that all acts, orders, and proceedings of the said inspectors at any of their meetings shall be entered in a book to be kept by them for that purpose, and shall be signed by two of the inspectors who were then present; and all such acts, orders, and proceedings shall then be deemed and taken to be original acts, orders, and proceedings; and such books shall and may be produced and read as evidence of all such acts, orders, and proceedings upon any appeal or trial or information, or any proceedings, civil or criminal, and in any court or courts of law or equity whatsoever.

Accounts to  
be kept.

XXXI. AND be it further enacted, that the said inspectors shall and they are hereby required from time to time to order and direct a book or books to be provided and kept, in which book or books shall be entered true and regular accounts of all sums of money received, paid, and expended for or on account of the purposes of this Act, and of the several articles, matters, and things for which such sums of money shall have been disbursed and paid; and such book or books shall at all reasonable times be open to the inspection of the said inspectors and of every inhabitant rated to the relief of the poor of the parish adopting the provisions of this Act, without fee or reward; and the said inspectors and other persons aforesaid, or any of them, shall or may take copies of or extracts from the said book or books, or any part thereof, without paying for the same; and in case the said inspectors shall refuse to permit or shall not permit the said persons aforesaid to inspect the same, or take copies or extracts as aforesaid, such inspector shall forfeit and pay any sum of money not exceeding five pounds for each default, to be levied and applied in manner herein-after provided.

Inspectors to  
issue an order  
to overseers  
for payment of  
money for the  
purposes of  
this Act.

XXXII. AND be it further enacted, that as soon as the inspectors have been elected as aforesaid it shall be lawful for them, or any two or more of them, from time to time to issue an order under their hands to the overseers of the poor of any parish to which the provisions of this Act shall be extended, by which order they shall require the said overseers to levy the amount mentioned in the said order.

Power to  
collect rate, &c.

XXXIII. AND be it further enacted, that the overseers aforesaid shall, for the purpose of collecting, raising, and levying the rate necessary for the purposes of this Act, proceed in the same manner, and have the same powers, remedies, and privileges, as for levying money for the relief of the poor in the said parish: Provided always, that owners and occupiers of houses, buildings, and property (other than land) rateable to the relief of the poor in any such parish shall be rated at and pay a rate in the pound three times greater than that at which the owners and occupiers of land shall be rated at and pay for

the purposes of this Act: Provided also, that the total amount of the sum to be collected, raised, and levied for the purposes of this Act within any one year shall not exceed such sum as shall have been agreed on by the inhabitants of the said parish as aforesaid; and that the said sum shall be assessed upon the full and fair annual value to which lands, houses, buildings, and other property within the said parish shall be rated or shall be rateable according to the last valuation made and acted upon for the rate for the relief of the poor within the said parish.

XXXIV. PROVIDED always, and be it further enacted, that it shall be lawful for the overseers of the poor of any such parish, and they are hereby required, whenever, according to the rate made for the relief of the poor, one and the same person shall be rated in one sum in respect of land, and also of houses, buildings, and other property, to cause such land, and also such houses, buildings, and other property, to be separately assessed; and the sum hereby authorized to be levied shall be assessed accordingly: Provided always, that every court-yard, yard, or garden (such garden not being a market garden or nursery ground) shall be included in and make part of the assessment to be made on the house, buildings, or other property, to which they may be respectively attached: Provided also, that such land, houses, buildings, and other property shall not in the whole be assessed at a higher amount than they were in the last rate made for the relief of the poor within the said parish.

Land and houses to be rated separately.

XXXV. AND be it further enacted, that if the overseers of the poor of any parish adopting the provisions of this Act shall go out of office before they shall have collected or levied the amount mentioned in the order issued under the hands of the said inspectors in pursuance of this Act, they shall deliver to the succeeding overseers, within seven days from the time they go out of office, a full and particular account in writing of the names of the parties from whom any money may be due on account of the rate made in pursuance of this Act, as well as the last order issued to them by the said inspectors; and in such case the succeeding overseers shall have the like powers and remedies under this Act for the collecting and recovery thereof, and shall be liable to the same penalties and forfeitures in case of the non-payment to the said inspectors, as their predecessors had or were liable to.

Power of succeeding overseers to collect rate.

XXXVI. AND be it further enacted, that the overseers of the poor of every parish adopting the provisions of this Act, to whom any such order as aforesaid shall be issued, shall pay over the amount mentioned in such order to the treasurer to be appointed in the said parish under this Act within three calendar months from the delivery of such order to one of the overseers, and shall keep the accounts of the said rate levied for the purposes of this Act separate and distinct from the accounts of the rates levied in the same parish for the relief of the poor; and at the time of making any payment to the said treasurer the said overseers shall deliver to him a note in writing signed by them, specifying the amount so paid, which note shall be kept by the treasurer as a voucher for his receipt of that particular amount; and the receipt of the said treasurer, specifying the amount paid to him by the overseers, shall be a sufficient discharge to the overseers for such amount, and shall be allowed as such in passing their accounts with their respective parishes.

Overseers to pay amount to treasurer, &c.

Receipt of treasurer to be a discharge to overseers.

XXXVII. AND be it enacted, that where any persons other than the overseers of the poor shall by virtue of any office or appointment be authorized

Where other persons are authorized to

collect poor rates, such persons to be deemed overseers for the purposes of this Act.

and required to make and collect or cause to be collected the rate for the relief of the poor in any parish to which all or any of the provisions of this Act shall be extended, such persons, by whatsoever title they may be called, shall be deemed to be overseers of the poor within the meaning of this Act, and to be included under and denoted by the words "overseers of the poor," for all the purposes of this Act, as fully as if they were commonly called or known by the title of overseers of the poor.

Proceedings against overseers in case of non-payment.

XXXVIII. AND be it enacted, that in case the amount directed by such order as aforesaid to be paid by the overseers in any parish to which all or any of the provisions of this Act shall be extended shall not be paid to the said treasurer within the time specified for that purpose in the said order, any justice of the peace, upon complaint thereof made to him by the said treasurer or by any one of the inspectors, may and he is hereby authorized and required to issue a summons under his hand and seal for the said overseers so refusing or neglecting to pay such money as aforesaid to appear before two justices of the peace; and upon the said overseers appearing, or having been so summoned and not appearing without some sufficient and reasonable excuse, or not being found, it shall be lawful for the said justices and they are hereby required, in case the said money is not paid, to issue their warrant for levying the amount, or so much thereof as may be in arrear, by distress and sale of the goods of all or any of the said overseers; and in case the goods of all the overseers shall not be sufficient to pay the same, the arrears thereof shall be added to the amount of the next levy which shall be directed to be made in such parish for the purposes of this Act, and shall be collected by the like method.

Watchmen, &c. to be appointed, and provided with arms, clothing, &c.

XXXIX. AND be it further enacted, that the said inspectors shall from time to time appoint and employ such number of able-bodied watch-house keepers, serjeants of the watch, watchmen, patrols, streetkeepers, and other persons as they shall think sufficient for the proper protection of the inhabitants, houses, and property, streets and other places within the limits of this Act, by day or by night, or by day and by night, and provide for the use of all such watchmen, watch-house keepers, serjeants of the watch, patrol, and persons as aforesaid such clothing, arms, ammunition, and weapons, and shall assign to them such beats and rounds and duties, and appoint such hours for them to be on duty, and also such wages, rewards, and gratuities, or remunerations for their services, and also make such rules, orders, and regulations relative to such watch-house keepers, serjeants of the watch, watchmen, patrols, streetkeepers, and other persons, and their duties, as to the said inspectors shall seem meet, and also shall and may offer and give, as well to the said persons as to any other not specially employed by them, such gratuities and rewards for apprehending felons and others, offenders within the limits of this Act, as to them shall seem proper; and shall and may defray the expenses of prosecuting any such felons and offenders for the protection of the inhabitants of any parish adopting the provisions of this Act, or in defending any of the said persons or other officers of the said inspectors in the execution of their duty, as they shall think proper; and the said wages, rewards, gratuities, and the costs of such prosecutions or defences, and all other expenses that may be incurred by the said inspectors for the protection and guard of the inhabitants, shall and may be paid by the said inspectors out of the monies received in pursuance of this Act.

**XL.** AND be it further enacted, that all such clothing, arms, ammunition, and weapons, so provided for the use of such watchmen, watch-house keepers, serjeants of the watch, patrol, and persons as aforesaid, shall remain and continue the property of the inspectors for the time being, and in case of the resignation, removal, or death of any such watchmen, watch-house keeper, serjeant of the watch, patrol, or person as aforesaid, shall be returned to the said inspectors; and in case of neglect or refusal so to do the said watchmen, watch-house keeper, serjeant of the watch, patrol, or person as aforesaid, or in case of his death the party in possession thereof, shall be subject and liable to a penalty not exceeding the sum of twenty pounds, to be recovered for the use of the said inspectors.

Arms, &c. to be property of inspectors, and watchmen, &c. to deliver up the same on removal, &c.

Penalty.

**XLI.** AND be it further enacted, that the watchmen, serjeants of the watch, patrols, and other persons to be appointed by virtue of this Act shall, during the time they shall be on duty, use their utmost endeavours to prevent any mischief by fire, and also to prevent all robberies, burglaries, and other felonies and misdemeanors, and other outrages, disorders, and breaches of the peace within the limits of the parish adopting the provisions of this Act, and to apprehend and secure all felons, rogues, vagabonds, and disorderly persons who shall disturb the public peace, or any person or persons wandering, secreting, or misbehaving himself, herself, or themselves, or whom they shall have reasonable cause to suspect of any evil designs, and to secure and keep in safe custody every such person, in order that he or she may be conveyed as soon as conveniently may be before one of his Majesty's justices of the peace, to be examined and dealt with according to law; and it shall and may be lawful to and for the said watchmen, serjeants of the watch, patrols, and other person or persons so appointed as aforesaid, to call and require any person or persons to aid and assist them in taking such felons, rogues, vagabonds, and all disorderly or suspected persons as aforesaid; and in case any person or persons shall assault or resist or shall promote or encourage the assaulting or resisting any of the watchmen, serjeants of the watch, patrols, or other person or persons so appointed as aforesaid, in the execution of their duty, every such person shall for every such offence forfeit and pay any sum not exceeding forty shillings; and in case any such offender shall not, on conviction, pay the said forfeiture, such justice is hereby required to commit him, her, or them to the house of correction, there to be kept to hard labour, and if the said justice shall so order, for any time not exceeding three calendar months, unless such forfeiture shall be sooner paid; or, instead of committing the said offender as aforesaid, the said justice may, by warrant under his hand and seal, cause the said forfeiture, as well as the costs (if any), to be levied by distress and sale of the goods and chattels of the offender, returning the overplus (if any) of the money raised or recovered, after discharging the said forfeiture, and the costs and expenses of recovering and levying the same, to the owner of the goods and chattels so seized and distrained.

Duty of watchmen, &c.

**XLII.** AND be it further enacted, that all watchmen, serjeants of the watch, and patrols shall be sworn in as constables before any justice of the peace, and act as such while in execution of the powers and authorities of this Act; and they are hereby invested with and shall have and enjoy the like powers and authorities, privileges and immunities, and shall be subject and liable to such and the like penalties and forfeitures, as any constable or constables is or are

Watchmen, &c. to be sworn in, and to have the power of constables.

invested with, or shall or may have and enjoy, or is or are or shall be subject or liable to by law: Provided nevertheless, that no person by being sworn in and acting as or executing the office of a constable shall thereby gain a settlement in such parish.

Certain fees to be paid over to inspectors.

**XLIII.** AND be it further enacted, that in all such cases in which any of the duties usually performed by constables shall have been executed by any of the officers appointed by the inspectors as herein-before enacted, all fees and allowances for the performance of such duties shall be paid over to the said inspectors to be by them applied in aid of the rate levied under the provisions of this Act.

Fire engines to be provided.

**[XLIV.\*]** AND be it further enacted, that it shall be lawful for the said inspectors from time to time to provide and keep up fire engines, with pipes and other utensils proper for the same, for the use of the parish adopting the provisions of this Act, and to provide a proper place or places for the keeping of the same, and to place such engines under the care of some proper person or persons, and to make him or them such allowance for his or their trouble as may be thought reasonable; and the expenses attending the providing and keeping of such engines shall be paid out of the money authorized to be received by the inspectors under the provisions of this Act.

Lamp irons, &c. to be provided.

**XLV.** AND be it further enacted, that it shall be lawful for the said inspectors and they are hereby empowered from time to time to cause such lamp irons or lamp posts or other posts to be put or fixed upon or against the walls or palisadoes of any houses, tenements, buildings, or inclosures, (doing as little damage as may be practicable thereto,) or to be put up and erected in such other manner, within all or any of the said roads, streets, and places within the limits of this Act, as they shall think proper; and also to cause such number of lamps, of such sizes and sorts, to be provided and affixed and put upon such lamp irons and lamp posts, as they shall think necessary for lighting all or any of such roads, streets, and places, and cause the same to be lighted with gas, oil, or otherwise, for such number of hours in every twenty-four hours as they shall think necessary, and also to cause such a number of watch-houses or watchboxes to be provided, erected, or affixed, as they shall think necessary for watching all or any of the streets, roads, and places within the limits of this Act.

Gas pipes not to be laid on private premises without consent.

**XLVI.** PROVIDED always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to authorize or empower the said inspectors, or any body or bodies politic or corporate or person or persons contracting with the said inspectors for lighting with gas such roads, streets, and public places, to carry or lay any pipe or pipes, cocks, or branches from any mains or pipes, against, into, or through any dwelling house or dwelling houses, manufactories, public or private buildings, or to continue the same,

**[\* Section 44 is rep., 28 & 29 Vict. c. 90. s. 35., so far as respects any parish or place within the limits of the metropolis as defined by that Act; with a proviso that the repeal shall not affect the power of the churchwardens and overseers of any parish or place to contribute to the funds of any society that at the time of the passing of the repealing Act maintained fire escapes in such parish or place, unless and until the Metropolitan Board of Works purchases the property of such society, or otherwise provides fire escapes in such parish or place.]**

without the consent in writing of the owner or owners, occupier or occupiers for the time being of such dwelling house or dwelling houses, manufactories, public or private buildings respectively, nor to enable any body or bodies politic or corporate or person or persons contracting with the said inspectors for lighting such streets and public places to enter into or upon any private lands or grounds, without the consent in writing of the owner or owners, occupier or occupiers of such lands or grounds for that purpose first had and obtained.

XLVII. PROVIDED also, and be it further enacted, that in case the soil, pitching, or pavement of any road or way, for the purpose of laying any gas main or gas pipe along, under, or across the same, be broken up, with the consent of the owner or owners of the soil for the time being, and after the same shall have been so laid and placed such owner or owners shall be desirous of having the same removed, it shall be lawful for such owner or owners, at any time or times thereafter, if he, she, or they shall deem it necessary or expedient, at his, her, or their own costs and charges, to alter and vary the position of such pipe or pipes, main or mains, and to relay the same, so that no damage be done thereby to the said body or bodies politic or corporate or person or persons contracting with the said inspectors, and so that such body or bodies politic or corporate or person or persons contracting with the said inspectors as aforesaid be not thereby prevented from or obstructed in lighting any public or private lamp, unless such damage or obstruction be unavoidable.

Owners of private grounds may alter position of pipes.

XLVIII. AND be it further enacted, that whenever any gas shall be found to escape from any of the pipes which shall be laid down or set up by order of the said inspectors in pursuance of this Act, the body or bodies politic or corporate or person or persons whosoever making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any houses, manufactory, building, or other premises within the limits of any parish adopting the provisions of this Act, shall at their own expense, immediately after receiving notice by parol or in writing from any person or persons whatsoever, to be given or left at their office or usual place of transacting their business, of any such escape of gas, cause the most speedy and effectual measures to be taken to stop or prevent such gas from escaping; and in case the said body or bodies politic or corporate or person or persons as aforesaid shall not, within twenty-four hours next after such notice by parol or in writing being given of any such escape of gas, effectually stop and prevent the gas from escaping, and wholly and satisfactorily remove the cause of complaint, then and in every such case the said body or bodies politic or corporate or person or persons as aforesaid shall for every such offence forfeit and pay any sum not exceeding five pounds for each and every day after the expiration of twenty-four hours from the time of giving any such notice during which the gas shall be suffered to escape as aforesaid; which penalty shall from time to time be recoverable in a summary way, on the oath or affirmation of one or more credible witness or witnesses, before any two justices of the peace, and shall and may be recovered, with all reasonable charges, by distress and sale of the goods and chattels of any such body or bodies politic or corporate or person or persons as aforesaid, by the warrant of any two justices of the peace as aforesaid, to be granted in like manner and subject to the like provisions as are herein directed touching other penalties to be recovered by virtue of this Act.

Regulations as to stopping the escape of gas.

Penalty for neglect.



Power to convey away washings of gasworks.

XLIX. AND be it further enacted, that it shall be lawful for the body or bodies politic or corporate or other person or persons whosoever making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises, within the limits of any parish adopting the provisions of this Act, to lay iron pipes, of such breadth, depth, and dimensions, and in such manner, as they shall think expedient, under the roads, streets, and other public places within the limits of this Act, for the purpose of carrying off the washings or other waste liquids which may arise in the prosecution of the works aforesaid, the said body or bodies politic or corporate, or other person or persons as aforesaid, doing as little damage as may be in laying the said pipes, and immediately repairing, at their own expense, all such damage; provided that no such washings or other waste liquids, or any other matter or thing made or arising in the manufacture of such gas, shall be conducted or conveyed into any river, brook, canal, or running stream, and that no such pipe shall be laid in any situation where the same can, shall, or may in any manner interfere with, prejudice, or affect any of the present or future public or private wells, sewers, or drains within the limits of the parish adopting the provisions of this Act, or without the consent of the said inspectors.

Penalty for conveying washings into any river, &c.

L. AND be it further enacted, that if any body or bodies politic or corporate, company or companies of proprietors, or any other person or persons whatsoever, making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises within the limits of any parish adopting the provisions of this Act, shall at any time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any washings or other waste liquids, substances, or things whatsoever, which shall arise or be made in the prosecution of the said gasworks, or in the manufacture or process of making or procuring such gas, into any river, brook, or running stream, reservoir, canal, aqueduct, waterway, feeder, pond, or springhead or well, or into any drain, sewer, or ditch communicating with any of them, or do or cause to be done any annoyance, act, or thing to the water contained in any of them, whereby the water contained therein or any part thereof shall or may be spoiled, fouled, or corrupted, then and in every such case any such body or bodies politic or corporate, company or companies of proprietors, or other person or persons, so offending as aforesaid, shall forfeit and pay for every such offence the sum of two hundred pounds; and such penalty or forfeiture shall and may be sued for and recovered, together with full costs of suit, in any of his Majesty's courts of law, by regular or summary action of debt or on the case, or by bill, plaint, or information, wherein no essoign, protection, privilege, wager of law, nor more than one imparlance, shall be allowed; and the whole of such penalty shall be paid to the person or persons who shall inform or sue for the same: Provided always, that no such penalty or forfeiture shall be recoverable unless the same be sued for within six calendar months from after the time when such annoyance, nuisance, injury, damage, act, or thing shall have ceased and determined: Provided also, that over and above and in addition to the said penalty of two hundred pounds, and whether such penalty shall or shall not have been sued for or recovered, in case any of the said washings or other waste liquids, or noisome or offensive liquids, substances, or things, shall be

emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any river, brook, or running stream, or any reservoir, canal, aqueduct, waterway, feeder, pond, or springhead or well, or into any drain, sewer, or ditch communicating with any of them, or any such annoyance, nuisance, injury, damage, act, or thing shall be done or caused to be done as aforesaid, and notice thereof in writing shall have been given by any person or persons to whom the same shall belong, or by any other person or persons whomsoever, to the said body or bodies politic or corporate, company or companies of proprietors or any of them, or other the person or persons making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises, within any parish or part of a parish adopting the provisions of this Act, so offending, or to his, her, or their clerk or clerks, or to any person in his or their service or employ, and such body or bodies politic or corporate, company or companies of proprietors, or other person or persons, shall not, within twenty-four hours after such notice shall have been given to them or him as aforesaid, stop and hinder or prevent all and every such washings, waste liquids, or noisome or offensive liquids, substances, or things, from being emptied, drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other annoyance, nuisance, injury, damage, act, or thing from being done as aforesaid, then and in every such case the said body or bodies politic or corporate, company or companies of proprietors, or other person or persons, so offending, shall forfeit and pay the sum of twenty pounds for each and every day such washings, waste liquids, or noisome or offensive liquids, substances, or things, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other annoyance, nuisance, injury or damage, act or thing, shall be so done or caused to be done as aforesaid; and such last-mentioned penalty shall and may be recovered and levied in such and the like manner as any other penalty or forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the informer, or to the person or persons who, in the judgment of the justice before whom the conviction shall take place, shall have sustained any annoyance, injury, or damage by any such act so done or committed.

LI. AND be it further enacted, that all and every the pipes or other conduits to be used or laid for the conveyance of gas in, under, through, along, across, or round any road, street, or other place within the limits of any parish adopting the provisions of this Act, shall be so laid at the greatest practical distance, and whenever the width of the carriageway in such street or place will allow thereof, at the distance of four feet at least, from the nearest part of any water pipe already laid down or hereafter to be laid down for the conveyance of water in, under, through, along, across, or round any of the said roads, streets, or other places within the limits of any parish adopting the provisions of this Act, excepting in cases where it shall be unavoidably necessary to lay the gas pipes across any of the said water pipes, in which cases the said gas pipes shall be laid over and above the said water pipes at the greatest practical distance therefrom, and shall form therewith a right angle, and in such cases the said gas pipes so crossing the said water pipes shall be at least nine feet in length, so that no joint of any of the said

Gas pipes to be laid four feet from water pipes, and in a particular manner.

gas pipes shall be nearer to any part of the said water pipes than four feet at least; and in laying down the said gas pipes the said contractors or other persons supplying gas shall in no case join two or more gas pipes together previous to their being laid in the trench, but shall lay each pipe as near as may be in its place in the trench, and shall in such trench properly form the jointing with the other pipes to be added thereto with proper and sufficient materials, and shall also make and keep all and every such pipes, and all pipes connected and communicating therewith, and all the screws, joints, inlets, apertures, or openings therein respectively, air-tight, and in all and every respect prevent the said gas from escaping therefrom, upon pain of forfeiting for every offence the sum of five pounds.

Proceedings in  
case of con-  
tamination of  
water by gas.

LIII. AND be it further enacted, that whenever the water of any company of proprietors for supplying the inhabitants of any houses within the limits of any parish, part of a parish, or place adopting the provisions of this Act with water, shall be contaminated by any of the gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises, within the limits of any parish, part of a parish, or place adopting the provisions of this Act, the body or bodies politic or corporate, or person or persons, making, furnishing, or supplying such gas shall forfeit and pay the sum of twenty pounds, to be sued for and recovered and shall be applied to and for the use and benefit of the said company supplying water as aforesaid; and in case any such water shall be contaminated or affected by gas in any way whatsoever, then and in every such case the said company or other persons making, furnishing, or supplying such gas shall, within twenty-four hours next after the notice thereof in writing, signed by the treasurer or other officer of and for such water company as aforesaid, or by any person making use of such water, to be left at the usual place or office of transacting business of the said body or bodies politic or corporate, or other person or persons, cause the most proper and effectual measures to be taken to stop and prevent gas from escaping from their mains, works, or pipes, or contaminating or affecting the water of such company as aforesaid; and in case the said body or bodies politic or corporate, or other person or persons, making, furnishing, or supplying gas, shall not, within twenty-four hours next after such notice so left as aforesaid, effectually stop and prevent the gas from so escaping, and wholly and satisfactorily remove the cause of every such complaint, and prevent all and every such contamination whereof notice shall be given as aforesaid, that then the said body or bodies politic or corporate, or other person or persons as aforesaid, shall on each and every complaint forfeit and pay to the treasurer or other officer for the time being of such water company as aforesaid, for the use and benefit of the same company, over and above the before-mentioned penalty of twenty pounds, the sum of ten pounds for each and every day during which the water of the said last-mentioned company shall be and remain contaminated or affected by such gas; and in default of payment thereof as aforesaid such penalty or penalties shall and may be recovered by information, to be exhibited on the oath of one credible witness, by and in the name of the treasurer or other officer for the time being of the said water company as aforesaid, or by and in the name of any one or more of the directors of the said company, at the option of the parties prosecuting such information against the said body or bodies politic or corporate or other

person or persons making, furnishing, or supplying gas, before any two justices of the peace, with costs, to be assessed by such justices, and to be levied by distress and sale of the goods and chattels of the said body or bodies politic or corporate or other person or persons making, furnishing, or supplying such gas, together with the charges of such distress and sale, by warrant under the hand and seal of such justices, which warrant such justices are hereby empowered to grant; and such penalty or penalties, when so levied, shall be paid to the treasurer or other officer for the time being of such water company, for the use of such water company.

LIII. AND be it further enacted, that in any case in which it shall be or become a question upon such complaint as aforesaid whether the said water be contaminated or affected by the gas of the said body or bodies politic or corporate or other person or persons making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises, within the limits of this Act, it shall be lawful for the company of proprietors, or other the owners or proprietors of any waterworks, to dig to and about and search and examine the mains, pipes, conduits, and apparatus of the said body or bodies politic or corporate, or other person or persons as aforesaid, for the purpose of ascertaining whether such contamination proceed or be occasioned by the gas of the said body or bodies politic or corporate, or other person or persons as aforesaid; and if it shall appear that the said water has been contaminated by any escape of gas as aforesaid, the costs and expenses of the said digging, search, and examination, and of the repair of the pavement of the roads, street or streets, which shall be taken up or disturbed, shall be borne and paid by the said body or bodies politic or corporate, or person or persons as aforesaid; which costs and expenses of digging, search, and examination shall be ascertained and determined, if necessary, by such justices as aforesaid, and be recovered in like manner as any penalty may be recovered by virtue of this Act: Provided always, that if upon such examination it shall appear that such contamination has not arisen from any such escape of gas from any of the mains, pipes, or conduits of the said body or bodies politic or corporate, or other person or persons as aforesaid, then and in such case the said company of proprietors or other the owners or proprietors of such waterworks shall bear and pay all the costs and expenses of such search, examination, and repair as aforesaid, and shall also make good to the said body or bodies politic or corporate, or other person or persons as aforesaid, any loss, injury, or damage which may be occasioned to the said mains, pipes, conduits, or apparatus of the said body or bodies politic or corporate, or other person or persons as aforesaid, in and by such search and examination, the amount of such injury, loss, or damage to be ascertained and determined by such justices of the peace as aforesaid.

LIV. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to prevent any person from proceeding by indictment or otherwise against any of the officers, servants, or workmen of the body or bodies politic or corporate, or other person or persons whomsoever, making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises, within the limits of any parish adopting the provisions of this Act, in respect of any works or other means which shall be employed by them

Mode of ascertaining if the water be contaminated.

Persons supplying gas liable to be indicted for a nuisance.

or any of them in making the said gas, and using the same in furnishing with lights as aforesaid, as a public or private nuisance, or from bringing any action against the said body or bodies politic or corporate, company of proprietors, or person or persons as aforesaid, or any of their officers, servants, or workmen, for any injury sustained by reason of any such works, or the use of the said gas, or the method of lighting therewith, whether such injury shall proceed from the preparation or the use of the same gas, or method of lighting, or the carelessness or want of skill of any of the persons employed therein, or from any other cause whatsoever.

Penalty for wilfully destroying or injuring watch-houses, lamps, &c.

LV. AND be it further enacted, that if any person shall wilfully break, throw down, spoil, or damage any watch-house, watchbox, or lamp, lamp iron, lamp post, pale, rail, chain, or other furniture thereof, or wilfully extinguish the light of any such lamp, it shall be lawful for any person or persons who shall see the offence committed to apprehend, and also for any other person or persons to assist in apprehending, the offender or offenders, and by the authority of this Act, and without any warrant, and to deliver him or them to any constable, who is to keep him, her, or them in safe custody, and with all reasonable despatch to convey him, her, or them before any justice of the peace; and such justice shall examine upon oath any witness or witnesses who shall appear to be produced to give evidence touching such offence; and if the party accused shall be convicted of any such offence, either by his, her, or their confession, or upon such evidence as aforesaid, he, she, or they shall forfeit any sum not exceeding forty shillings for every lamp, lamp iron, or lamp post so broken, thrown down, or damaged, and shall also make full satisfaction for the damage which shall have been done thereby, and not exceeding five pounds for any other such offence as aforesaid, and shall also make full satisfaction for the damage which shall have been done thereby; and one moiety of such forfeiture shall be paid to the person or persons apprehending such offender, and the other moiety shall be applied for the purposes of this Act, and shall be levied and recovered in the same manner as any forfeiture is by this Act herein-before directed to be levied and recovered in the case of any person assaulting any watchman or other person in the execution of his duty.

How persons accidentally breaking lamps are to be dealt with.

LVI. AND be it further enacted, that if any person shall carelessly or accidentally break any of the said lamps, lamp irons, or lamp posts, or do any other such damage or injury as herein-before is mentioned, and shall not, upon demand, make satisfaction to the said inspectors for the damage or injury so done, it shall and may be lawful for any justice of the peace, upon any complaint thereof made to him upon oath, to summon the party complained of, and upon hearing the parties upon both sides, or on the nonappearance of the party complained of, to examine the matter of complaint, and award such sum of money, by way of satisfaction to the said inspectors for such damage, as such justice shall think reasonable; and in case of neglect or refusal forthwith to pay such money, then the same, and all expenses attending the recovery thereof, may be levied and recovered as any forfeiture is by this Act herein-before directed to be levied and recovered in the case of any person assaulting any watchman or other person in the execution of his duty.

Power for inspectors to contract for the works

LVII. AND be it further enacted, that it shall and may be lawful to and for the said inspectors from time to time to enter into any contract or contracts with any person, company or companies whatsoever, for lighting the same

streets, roads, and other places, or any of them, or any part thereof, either with oil or with gas, or with any other material or in any other manner whatsoever, or for furnishing lamps, lamp irons, lamp posts, watchboxes, posts, chains, pales, rails, and other things necessary for the purposes aforesaid, or any materials for the same; which contract or contracts shall specify the several works to be done and the prices to be paid for the same, and the time or times when the works shall be completed, and the penalties to be suffered in cases of nonperformance thereof, and shall be signed by two or more of the said inspectors, and also by the person or persons contracting to perform such works respectively, which contract or contracts, or a copy or copies thereof, shall be entered in a book to be kept for that purpose; but no contract above the value or sum of twenty pounds shall be entered into unless previous to the making of any such contract fourteen days notice shall be given in one or more of the public newspapers published in the county in which the said parish shall be situate, expressing the intention of entering into such contract, in order that any person or persons willing to undertake the same may make proposals for that purpose, to be offered and presented to the said inspectors at a certain time and place in such notice to be mentioned: Provided always, that if the said inspectors shall be of opinion that it will not be advantageous to contract with the person or persons offering the lowest price, it shall be lawful for the said inspectors to contract with such other person or persons as they shall think proper.

directed to be  
done by this  
Act.

LVIII. AND be it further enacted, that in case the same shall not be well and sufficiently performed, according to the terms, intent, and meaning of such contract or contracts, or shall not be finished or completed at or within the time or times specified in such contract or contracts, then the said inspectors may cause an action to be brought in any of his Majesty's courts of law at Westminster against any such contractor for any penalty contained in his contract; and on proof of his signing the said contract or contracts, or nonperformance thereof at the time or times for that purpose to be therein mentioned, the said inspectors shall be entitled to and recover the full penalty contained in any such contract, which, when recovered, shall be applied for the purposes of this Act: Provided always, that it shall be lawful for the said inspectors (if they think fit) to compound and agree with any contractor for any penalty incurred by him for the breach or nonperformance of any such contract, for such sum of money as the said inspectors shall think proper, not being less than the injury or damage sustained by the breach or nonperformance of such contract, and all costs, charges, and expenses which shall be occasioned thereby; and it shall be lawful for the said inspectors to cancel or make void any contract with any person or persons whomsoever, by mutual consent, if they shall think proper.

Inspectors  
may sue for  
breach of con-  
tract;

or may com-  
pound with  
contractor.

LIX. AND be it further enacted, that the said inspectors may and they are hereby authorized and empowered to treat with the owner or owners and occupier or occupiers of any houses, buildings, lands, and grounds for the purposes of this Act, for such sum or sums of money, or yearly rent, or for such time, as to them shall appear reasonable (which sum or sums of money and yearly rent shall be respectively paid out of the monies to arise by virtue of this Act), in such place or places as they may think proper.

Inspectors  
may purchase  
or rent ground  
or buildings for  
the purposes  
of this Act.

Property of  
lamps, &c.  
vested in the  
inspectors, &c.

LX. AND be it further enacted, that the property of and in all lamps, lamp irons, lamp posts, watch-houses, watchboxes, posts, chains, pales, and rails in, about, or belonging to the said streets and places within any parish or part of a parish adopting the provisions of this Act, or any of them, and of and in all the iron, timber, stone, bricks, and other materials and furniture and things of, in, and belonging thereto, (except when the same shall be otherwise regulated by contract with the said inspectors,) shall be and the same are hereby vested in the said inspectors, and may be sold and disposed of from time to time as they shall think proper; and the money arising from such sale or sales shall be applied towards the purposes of this Act; and the said inspectors are hereby authorized and empowered to bring or cause to be brought any action or actions in such name or names and in manner as herein is provided, or to prefer or order and direct the preferring of any bill or bills of indictment, against any person or persons who shall steal, take, or carry away (as the case may be) all or any part of such lamp irons, lamp posts, watch-houses, watchboxes, iron, timber, and stone, bricks, furniture, posts, chains, pales, rails, or other materials and things as aforesaid; and in all such actions or bills of indictment it shall be and be deemed and taken to be sufficient to state generally that the article or articles, thing or things, for or on account of which such action or actions shall be brought, or such bill or bills of indictment preferred, is or are the property of the inspectors, without particularly stating or specifying the name or names of all or any of the said inspectors.

Inspectors of  
adjoining  
parishes may  
unite.

LXI. AND be it further enacted, that it shall be lawful for the inspectors appointed by any parish adopting the provisions of this Act to unite with the inspectors of any adjoining parish or parishes, for the better carrying into effect the purposes of this Act.

Forms of in-  
formation and  
conviction.

LXII. AND for the more easy prosecution and conviction of offenders against this Act, be it further enacted, that all and every justices and justice of the peace before whom any person or persons shall be convicted or prosecuted for any offence against this Act shall and may cause the information and conviction respectively to be drawn in the form following, or in other words to the same effect; (that is to say,)

Form of  
information.

‘ County of } **B**E it remembered, that on the                      day of  
‘ to wit.        } A.B. of                      informeth                      of his Majesty’s justice  
‘ [or justices] of the peace for the said                      of                      that  
‘                      of                      in the                      of                      [here  
‘ describe the offence, with the time and place, and follow the Act as near as  
‘ may be], contrary to the provisions of an Act made in the                      year of  
‘ the reign of King William the Fourth, intituled [insert the title of this Act],  
‘ which hath imposed a forfeiture of                      for the said offence. Taken  
‘ the                      day of                      before                      ’

Form of  
conviction.

‘ County of } **B**E it remembered, that on the                      day of  
‘ to wit.        }                      in the                      year of the reign of                      and in  
‘ the year of our Lord                      A.B. is convicted before                      of his  
‘ Majesty’s justice [or justices] of the peace for the said                      for  
‘ [here specify the offence, and when and where committed], contrary to the  
‘ form of the statute made in the                      year of the reign of King William

‘ the Fourth, intituled [here set forth the title of this Act]; and do  
 ‘ hereby declare and adjudge that the said hath forfeited for the  
 ‘ said offence the sum of [or shall be committed to for  
 ‘ the space of as the case may be]. Given under hand and  
 ‘ seal the day and year first above written.’

LXIII. AND be it further enacted, that all fines, penalties, and forfeitures inflicted or imposed by this Act, or by virtue of any rule or order made in pursuance hereof (the mode of recovery whereof is not herein otherwise provided for), may, in case of nonpayment thereof, be recovered in a summary way by order and adjudication of any two justices of the peace, on complaint to them for that purpose exhibited, and afterwards be levied, as well as the costs (if any) of such proceedings, on nonpayment, by distress and sale of the goods and chattels of the offender or respective offenders, or person or persons liable to pay the same, by warrant under the hands and seals of such justices; who are hereby authorized and required to summon and examine any witness upon oath or affirmation of and concerning such offences, matters, and things, and to hear and determine the same; and the overplus (if any) of the money raised or recovered, after discharging the fine, penalty, or forfeiture for which such warrant shall be issued, and the costs and expenses of recovering and levying the same (if any such there be), shall be rendered to the owner or owners of the goods and chattels so seized and distrained; all which penalties not herein directed to be otherwise applied shall be paid to the said inspectors or their treasurer, to be applied for such purposes of this Act as the said inspectors shall order and direct, except in all such cases where the penalty or forfeiture shall be incurred by the said inspectors and then the same shall be paid to the informer; and it shall be lawful for the said justices to order the offender or offenders so convicted to be detained in safe custody until return can be conveniently made to such warrant or warrants of distress, unless the said offender or offenders shall give sufficient security, to the satisfaction of such justices, for his, her, or their appearance before the said justices on such day or days as shall be appointed for the return of such warrant or warrants of distress, such day or days not being more than seven days from the time of taking such security, and which security the said justices are hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant or warrants it shall appear that no sufficient distress can be had whereupon to levy the said penalty or penalties and such costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of any such justices, upon the confession of the offender or offenders, or otherwise, that he, she, or they have or hath not sufficient goods and chattels whereupon such penalties, forfeitures, costs, and expenses can be levied if a warrant of distress were issued, such justices shall not be required to issue such warrant of distress; and thereupon it shall be lawful for such justices, and they are hereby required and empowered, by warrant or warrants under their hands and seals, to commit such offender or offenders to the common gaol or house of correction in the said county or place in which the said parish shall be situate, there to be kept, with or without hard labour, without bail or mainprise, for any time not exceeding six calendar months, or until such offender or offenders shall have paid such penalty or penalties, and all

Recovery and  
application of  
penalties.



costs and charges attending such proceedings as aforesaid, to be ascertained by such justices, or shall otherwise be discharged by due course of law.

Inspectors  
exempted from  
personal lia-  
bility.

LXIV. PROVIDED always, and be it further enacted, that nothing herein contained shall be deemed, construed, or taken to extend to render the said inspectors personally, or any of their goods and chattels (other than such as may be invested in them in pursuance of this Act), liable to the payment of any sum or sums of money as or by way of compensation or satisfaction in the cases in which such compensation or satisfaction is herein directed to be made by the said inspectors.

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Appeal to the  
general or  
quarter sessions  
against order  
of inspectors,  
&c.

LXVI. PROVIDED also, and be it further enacted, that if any person or persons shall find himself, herself, or themselves aggrieved by any order, direction, or appointment of the said inspectors, or any order or conviction of one or more justice or justices of the peace, it shall be lawful for such person or persons to appeal to any general or quarter sessions of the peace to be held in and for the county, city, riding, borough, town, shire, division, liberty, or place in which the parish shall be situate, within four calendar months next after the cause of complaint shall have arisen, or if such sessions shall be held before the expiration of one calendar month, then such appeal shall be made to the secondly succeeding sessions; either of which court of sessions is hereby empowered to hear and finally determine the matter of the said appeal, and to make such order therein as to them shall seem meet, which order shall be final and conclusive to and upon all parties; provided that the person or persons so appealing shall give or cause to be given at least fourteen days notice in writing of his, her, or their intention of appealing as aforesaid, and of the matter or cause thereof, to the said inspectors, or other the respondent or respondents, that within five days after such notice shall enter into a recognizance before some justice of the peace, with sufficient securities, conditioned to try such appeal at the then next general sessions or quarter sessions of the peace which shall first happen, and to abide the order of and pay such costs as shall be awarded by the justices at such quarter sessions, or any adjournment thereof; and such justices upon hearing and finally determining such matter of appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper; and their determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

Appeals  
against rate  
to be subject  
to same rules  
as appeals  
against poor  
rates.

LXVII. PROVIDED also, and be it further enacted, that if any person or persons shall find himself, herself, or themselves aggrieved by any rate made by the overseers of the poor for the purposes of this Act, he, she, and they may appeal to any general or quarterly sessions of the peace to be held in and for the county, city, riding, borough, town, shire, division, liberty, or place in which the parish shall be situated; and all such appeals shall be subject to the same rules, regulations, provisions, and directions, and shall be prosecuted and proceeded with in the like manner, as appeals against rates made for the relief of the poor in such parish.

Plaintiff not to  
recover in any  
action after  
tender of suffi-  
cient amends,  
&c.

LXVIII. PROVIDED also, and be it further enacted, that no plaintiff or plaintiffs shall recover in any action or actions for any irregularity, trespass, or other proceedings made or committed in execution of this Act, if tender of sufficient amends shall be made by or on behalf of the party or parties who shall have

committed any such irregularity, trespass, or wrongful proceedings, before such action brought; and in case no tender shall have been made it shall be lawful for the defendant or defendants in any such action by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he or they shall think fit, whereupon such proceedings, order, and adjudication shall be made, had, and given in and by such court as in other actions where the defendant is allowed to pay money into court.

LXIX. AND be it further enacted, that no action or suit shall be commenced against any person or persons for anything done in pursuance of or under the authority of or colour of this Act until twenty-one days notice has been given thereof in writing to the said inspectors, nor after sufficient satisfaction or tender thereof has been made to the party or parties aggrieved, nor after six calendar months next after the fact committed for which such action or actions, suit or suits, shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other county or place; and the defendant or defendants in such actions or suits may plead the general issue, or give this Act, and every special matter in evidence, at any trial or trials which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such action or suit was brought before twenty-one days notice thereof was given as aforesaid, or if any action or suit shall not be commenced within the time before limited, or shall be laid in any other county or place than as aforesaid, then the jury or juries shall find a verdict for the defendant or defendants therein; and if a verdict or verdicts shall be found for any such defendant or defendants, or if the plaintiff or plaintiffs in such action or actions, suit or suits, shall become nonsuit, or suffer a discontinuance of such action or actions, or if, upon any demurrer or demurrers in such action or actions, judgment shall be given for the defendant or defendants therein, then and in any of the cases aforesaid such defendant or defendants shall have double costs, and shall have such remedy for recovering the same as any defendant or defendants may have for his, her, or their costs in any other case by law. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Limitation of actions, &c.

LXX. AND be it further enacted, that no proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of form, or be removed by certiorari or any other writ or process whatsoever into any of his Majesty's courts of record at Westminster or elsewhere.

Proceedings not to be quashed for want of form, &c.

LXXI. AND be it further enacted, that the provisions of this Act may be adopted in any parish either as to lighting or as to watching, or as to lighting and watching, as may be deemed expedient; and that the provisions of this Act may be adopted in any parish so far as the same relate to lighting, although such parish shall be watched under or by virtue of any Act of Parliament passed for that purpose, and may be adopted in any parish so far as the same relate to watching, although such parish shall be lighted under or by virtue of any Act of Parliament passed for that purpose.

Parishes may adopt only parts of Act.

LXXII. AND be it further enacted, that nothing in this Act contained shall be construed to extend to abridge, repeal, alter, amend, or interfere with the powers and provisions contained in an Act made and passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled "An Act for improving the police in and near the metropolis," or to extend to any parish or place already regulated by or under the provisions of any Act of

Limit of extent and effect of Act.

10 Geo. 4. c. 44.

Parliament for all the purposes herein-before provided for, or to interfere with the powers which any corporate body may have with respect to watching and lighting.

Parts of parishes may adopt the provisions of this Act;

LXXIII. AND be it further enacted, that it shall and may be lawful to and for the inhabitants of part of any parish to hold a meeting of the inhabitants of such part to be convened in manner herein directed, and to be composed of such inhabitants only, for the purpose of determining whether the provisions in this Act contained, or any of them, shall be adopted and carried into execution in such part of the said parish; and that all such meetings shall be subject and liable to all the clauses, regulations, and restrictions in this Act contained in respect of meetings to be convened for the purposes thereof; and that the churchwardens of the said parish shall act in the same manner for such part of the parish the inhabitants of which may be desirous of adopting the provisions of this Act, for carrying the provisions of the same into effect, as they could by virtue hereof act for the parish at large; and that the overseers of the poor of the said parish or of any township or division of the said parish shall be amenable to the provisions of this Act, so far as they may relate to the part of such parish situate within or partly within the division or district for which such overseers shall act, for the purpose of levying, raising, and paying the rates within the part of such parish adopting the provisions of this Act, in the same manner as they would be if the whole parish, township, or place for which they act had adopted the provisions of this Act: Provided always, that no proceedings of the said inhabitants, nor any rate to be raised or levied in pursuance of such proceedings, shall extend to any part of the said parish which may already be regulated by or under the provisions of any Act for the purposes in this Act mentioned, nor interfere with the powers and provisions of such Act or the execution thereof in any respect whatsoever.

but not so as to interfere with any local Act.

Surveyor of commissioners of sewers may enter into gasworks, to see if there be any escape of gas, &c.

LXXIV. AND be it further enacted, that it shall be lawful for any surveyor or other person or persons acting by or under the authority of commissioners of sewers, at any time or times in the daytime, to enter into any manufactory, gasometer, receiver, or other building belonging to any gas company or companies or the said inspectors, in order to inspect and examine if there be any escape of gas, or any washings or other waste liquids, substances, or other things whatsoever, which shall arise or be produced in the prosecution of the said gasworks, or in the manufacture or process of making or procuring such gas, into any public sewer or drain; and if such surveyor or other person or persons acting by or under the authority of commissioners of sewers shall at any such time or times be refused admittance or entrance into any such manufactory, gasometer, receiver, or other building, for the purpose of making such inspection and examination as aforesaid, or on being admitted shall be obstructed in or prevented from making such inspection and examination as aforesaid, the said gas company or companies, or the said inspectors, so offending, shall forfeit and pay for every such offence the sum of twenty pounds.

This Act not to affect the rights of commissioners of sewers;

LXXV. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the rights, powers, or authorities vested in commissioners of sewers; but all the rights, powers, and authorities vested

in them shall be as good, valid, and effectual as if this Act had not been made.

LXXVI. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend to alter or in any manner to affect any of the rights or privileges of the universities of Oxford or Cambridge, or any of the powers vested by charter or otherwise in the chancellors, masters, and scholars, and their successors, of the said universities.

nor to affect the universities.

LXXVII. AND be it further enacted, that the powers given to watch and light any parish shall be understood to be given to any wapentake, division, city, borough, liberty, township, market town, franchise, hamlet, tithing, precinct, and chapelry, or parts within the same; and that where the word "parish" is used it shall be understood to extend to any parts within the same; and that the powers given to a churchwarden shall be understood to be given to any chapelwarden, overseer, or other person usually calling any meeting on parochial business; and that the words "justice of the peace" shall be understood to mean justices of the peace for the county, city, borough, town, division, riding, shire, liberty, or place in which the parish which may adopt the provisions of this Act shall be situate; and the word "ratepayer" to include all persons assessed to and paying rates for the relief of the poor.

Construction of Act.

LXXVIII. AND be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

Public Act.

## CHAPTER XCI.

AN ACT for consolidating and amending the Laws relative to Jurors and Juries in Ireland.

[28th August 1833.]

WHEREAS the laws relative to the qualifications and summoning of jurors and the formation of juries in Ireland are numerous and complicated; and it is expedient to consolidate and simplify the same, and to alter the mode of striking special juries, and in some respects to amend the said laws:

\* \* \* \* \*

XLVII. AND be it further enacted, that from and after the passing of this Act it shall not be lawful, either for the King or any one on his behalf, or for any party or parties in any case whatsoever, to commence or prosecute any writ of attaint against any jury or jurors for the verdict by them given, or against the party or parties who shall have judgment upon such verdict; and that no inquest shall be taken to inquire of the concealments of other inquests; but that all such attaints and inquests shall henceforth cease, become void, and utterly abolished; any law, statute, or usage to the contrary notwithstanding.

Writs of attaint, &c. against juries, &c. abolished.

\* \* \* \* \*

L. AND be it further enacted, that from and after the commencement of the several parts of this Act, the several statutes and Acts, and parts of statutes and Acts, herein-after mentioned, so far as the same relate to Ireland, shall be repealed; (that is to say,) so much of the provisions made in the forty-third year of the reign of King Henry the Third as relates to exemptions from assizes, juries, and inquests; and so much of a statute made in the fifty-second year of the same reign as relates to the like

Repeal of ancient Acts extending to Ireland; viz. 48 Hen. 3. 52 Hen. 3. c. 14.

- 52 Hen. 3. c. 24.  
13 Edw. 1. cc. 30, 38.
- 21 Edw. 1.
- 28 Edw. 1. c. 9.  
33 Edw. 1.
- 34 Edw. 1.
- 5 Edw. 3. c. 10.  
20 Edw. 3. c. 6.  
27 Edw. 3. st. 2. c. 8.  
28 Edw. 3. c. 13.  
34 Edw. 3. cc. 4, 8, 13.
- 36 Edw. 3. st. 1. c. 13.  
38 Edw. 3. st. 1. c. 12.  
42 Edw. 3. c. 11.
- 7 Ric. 2. c. 7.
- 11 Hen. 4. c. 9.
- 2 Hen. 5. st. 2. c. 3.  
6 Hen. 6. c. 2.  
8 Hen. 6. c. 29.
- 23 Hen. 6. c. 9.
- 1 Ric. 3. c. 4.  
Repeal of Acts made in the Parliament of Ireland; viz.  
7 Hen. 6. c. 1.  
18 Hen. 8. c. 3.  
10 Cha. 1. sess. 2. c. 13.  
10 & 11 Cha. 1. c. 9.  
6 Ann. c. 10. ss. 6, 7, 8.  
6 Geo. 1. c. 5. s. 11.  
12 Geo. 1. c. 4. s. 16.
- exemptions; and so much of the same statute as provides that all, being twelve years of age, ought to appear at inquests for the death of man; and so much of a statute made at Westminster in the thirteenth year of the reign of King Edward the First as directs that the justices shall not put in assizes or juries any other than those that were first summoned to the same at first; and so much of the same statute as ordains how many and what sort of persons shall be returned on juries and petty assizes; and a statute made in the twenty-first year of the same reign, intituled "Statutum de illis qui debent poni in iuratis et assizis"; and so much of a statute made in the twenty-eighth year of the same reign, intituled "Articuli super cartas," as directs that the jurors shall be of the next neighbours; and an ordinance made in the thirty-third year of the same reign, commonly called "An ordinance for inquests"; and so much of a statute made in the thirty-fourth year of the same reign, commonly called "Ordinatio forestæ," as enjoins that none of the ministers therein mentioned be put in assizes, juries, or inquests without the forest; and so much of a statute made in the fifth year of the reign of King Edward the Third as relates to the punishment of a corrupt juror; and so much of a statute made in the twentieth year of the same reign as relates to the punishment of embracers and corrupt jurors; and so much of a statute or ordinance made in the twenty-seventh year of the same reign, commonly called "The ordinance of the staples," as prescribes the mode of trial where one party or both parties are aliens; and so much of a statute made in the twenty-eighth year of the same reign as directs that all manner of inquests and process shall be taken between aliens and denizens; and so much of a statute made in the thirty-fourth year of the same reign as accords that panels of inquests shall be of the neighbourhood; and so much thereof as directs the proceedings against jurors taking a reward to give their verdict; and so much thereof as relates to the qualification of jurors on inquests of escheat; and so much of a statute made in the thirty-sixth year of the same reign as relates to jurors on inquests of escheat; and so much of the first statute made in the thirty-eighth year of the same reign as ordains the penalty on corrupt jurors and embracers; and so much of a statute made in the forty-second year of the same reign as directs that panels in assizes shall be arrayed four days before the sessions, and that the jurors therein shall be those that have the best knowledge of the truth, and be nearest; and so much of a statute made in the seventh year of the reign of King Richard the Second as relates to granting a writ of nisi prius at the suit of any jurors; and so much of a statute made in the eleventh year of the reign of King Henry the Fourth as directs that jurors in indictments shall be returned by the sheriffs or bailiffs without the denomination of any; and so much of the second statute made in the second year of the reign of King Henry the Fifth as relates to the qualifications of jurors; and so much of a statute made in the sixth year of the reign of King Henry the Sixth as relates to the panels in special assizes; and so much of a statute made in the eighth year of the same reign as relates to inquests and proofs taken between aliens and denizens; and so much of a statute made in the twenty-third year of the same reign as ordains that no sheriff or under-sheriff shall return any of their officers or servants in any of the cases therein mentioned; and an Act passed in the first year of the reign of King Richard the Third, intituled "An Act for returning sufficient jurors"; and that the several Acts and parts of Acts passed in the Parliament of Ireland, and herein-after mentioned, shall also be repealed; (that is to say,) an Act passed in the seventh year of the reign of King Henry the Sixth, intituled "An Act for the additions of jurors"; and also an Act passed in the thirteenth year of the reign of King Henry the Eighth, intituled "An Act touching jurors to pass in attaint"; and also an Act passed in the second session of the tenth year of the reign of King Charles the First, intituled "An Act concerning the appearance of jurors in the nisi prius"; and also an Act passed in the tenth and eleventh years of the same reign, intituled "An Act for the limiting of peremptory challenges in cases of treason and felonies, and so forth"; and so much of an Act passed in the sixth year of the reign of Queen Anne, intituled "An Act for the amendment of the law, and the better advancement of justice," as relates to writs of venire facias, and to jurors having the view; and also so much of an Act passed in the sixth year of the reign of King George the First, intituled "An Act for exempting the protestant dissenters of this kingdom from certain penalties to which they are now subject," as relates to exemptions from serving upon juries; and also so much of an Act passed in the twelfth year of the same reign, intituled "An Act for the better regulating the office of sheriffs, and for the ascertaining their fees, and the fees for suing out their patents, and passing their accounts," as relates to the impanelling or return of

juries; and also an Act passed in the twenty-ninth year of the reign of King George the Second, intituled "An Act for better regulating juries," so far as the same relates to counties at large; and also so much of an Act passed in the thirteenth and fourteenth years of the reign of King George the Third, intituled "An Act for reviving and continuing several temporary statutes, and to prevent the destructive practice of trawling fish in the bay of Dublin," as revives or continues the said Act of the twenty-ninth year of King George the Second; and also so much of an Act passed in the seventeenth and eighteenth years of the reign of King George the Third, intituled "An Act for the amendment of the law with respect to outlawries, returning special juries, and the future effects of bankrupts, in certain cases," as in anywise relates to special juries for trials in counties at large; and also so much of an Act passed in the twenty-third and twenty-fourth years of the reign of King George the Third, intituled "An Act for establishing a post office within this kingdom," as relates to any exemption from serving upon any jury or inquest; and also an Act passed in the twenty-fifth year of the same reign, intituled "An Act to take away the challenge to the array of panels of jurors for want of a knight on trials which a peer or lord of Parliament is a party"; and also so much of an Act passed in the thirty-fourth year of the same reign, intituled "An Act for reviving and continuing certain temporary statutes," as revives and makes perpetual the said Act of the twenty-fifth year of the same reign; and also so much of an Act passed in the twenty-sixth year of the same reign, intituled "An Act for making, widening, and repairing public roads in the county of Dublin, and for repealing parts of several Acts formerly made for that purpose," as provides that any treasurer, inspector of the accounts, secretary of the grand jury, or collector of any barony, shall not be returned upon any panel for any jury in the county of Dublin; and also so much of an Act passed in the thirty-fifth year of the same reign, intituled "An Act for the better regulation of the receipts and issues of his Majesty's Treasury, and for repealing an Act of Parliament passed in the tenth year of Henry the Seventh, intituled 'An Act authorizing the treasurer to make all officers as the treasurer of England doth,'" as relates to any exemption from serving upon any jury; and that so much of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland in the sixth year of the reign of his late Majesty, intituled "An Act for the amendment of the laws with respect to special juries, and to trials in counties of cities and towns and towns corporate in Ireland," as relates to special juries in any indictments or informations tried in any county at large in Ireland, shall also be repealed; and the said several herein-before recited statutes and Acts, and parts of statutes and Acts, are hereby severally and respectively repealed accordingly, save only so far as the same or any of them repeals or repeal any other Acts or parts of Acts, and save only as far as any of them direct that the sheriff, sub-sheriff, or other returning officer, shall return upon panels, when so required by writ of venire facias or other precept, such persons as shall be most sufficient, substantial, and worthy of credit, and not suspect [Rep., Stat. Law Rev. Act, 1874.]: Provided always, that nothing herein contained shall be construed to affect or alter any part of an Act passed in the Parliament of Ireland in the nineteenth year of the reign of King George the Second, intituled "An Act for accepting the solemn affirmation or declaration of the people called Quakers, instead of an oath in the usual form": Provided also, that nothing herein contained shall extend or be construed to extend to alter, abridge, or affect any power or authority which any court or judge now hath, or any practice or form in regard to trials by jury, jury process, juries or jurors, except in those cases only where any such power or authority, practice or form, is repealed or altered by this Act, or is or shall be inconsistent with any of the provisions thereof, nor to abridge or affect any privilege of Parliament: Provided also, that nothing herein contained shall extend to or in any manner affect any jurors or juries in any matter or cause to be heard or tried by civil bill before any assistant barrister in Ireland; but that all such matters and causes may be heard and tried as before the passing of this Act.

29 Geo. 2. c. 6.

18 & 14 Geo. 3.  
c. 41. s. 1.17 & 18 Geo. 3.  
c. 45.23 & 24 Geo. 3.  
c. 17. s. 35.  
25 Geo. 3.  
c. 31.34 Geo. 3.  
c. 23. s. 4.26 Geo. 3.  
c. 14. s. 71.35 Geo. 3.  
c. 23. s. 35.Repeal of Act  
of united Par-  
liament,  
6 Geo. 4. c. 51.  
s. 1.This Act not  
to affect Irish  
Act, 19 Geo. 2.  
c. 18.;nor any powers,  
&c. not hereby  
repealed, &c.;nor juries on  
civil bills be-  
fore assistant  
barristers.

## CHAPTER XCII.

AN ACT to explain and amend the Provisions of certain Acts for the erecting and establishing Public Infirmaries, Hospitals, and Dispensaries in Ireland. [28th August 1833.]

**W**HEREAS it is expedient that the provisions contained in certain Acts relating to the erecting and establishing public infirmaries and hospitals and dispensaries in Ireland should be explained and amended: And whereas the vice-treasurer or vice-treasurers of Ireland is or are empowered and directed, by an Act of the Parliament of Ireland of the fifth George Third, to pay a stated sum half-yearly to the treasurers of each infirmary or hospital in Ireland: And whereas it is enacted by an Act of the fifty-fourth George Third, that it shall and may be lawful for the grand jury of any county, county of a city, or county of a town in Ireland to present a certain sum as an addition to the salary of the surgeon or physician of the infirmary or hospital of such county, county of a city, or county of a town, over and above the sum to be advanced by the vice-treasurer or vice-treasurers aforesaid: And whereas it is also provided by the aforesaid Act, that before any such presentment shall be made a certificate signed by at least five governors of such infirmary or hospital, as therein directed, shall be laid before the grand jury: And whereas it is also provided by an Act passed in the Parliament of Ireland in the fifth of George Third, that the governors or governesses of any infirmary or hospital aforesaid shall at a general meeting appoint a standing committee to regulate the economy thereof: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no donor or donors of any sum or sums of money to any of the said infirmaries or hospitals shall be permitted to vote at any election upon any vacancy which may hereafter occur for the office of surgeon or physician to such infirmary or hospital, unless he, she, or they shall have respectively paid the donation by virtue of which he, she, or they claim a right to vote at such election one year at least before such vacancy shall have occurred.

Irish Act,  
5 Geo. 3. c. 20.

54 Geo. 3.  
c. 62.

Irish Act,  
5 Geo. 3. c. 20.

No donor shall vote at election of surgeon to public hospital, &c. in Ireland, who has not paid his donation at least one year before vacancy occurred.

Admission of patients to hospitals.

IV. BE it further enacted, that in every case where the surgeon or physician of any infirmary or hospital is now required or enabled by law to receive any patient into the hospital or infirmary in his charge, other than by the written recommendation of one of the governors or governesses aforesaid, the said surgeon or physician is hereby required to report such case to the standing committee at the next meeting, as well as to preserve the certificates of all persons recommended on their admission; and should any patient be so recommended by any governor or governess of any such infirmary or hospital, who, on examination by such surgeon or physician, shall appear to him or them to be inadmissible, from the rules and regulations of the governors or governesses of any such infirmary or hospital, it shall be lawful for the said surgeon or physician to reject such patient as an intern patient; and he is hereby required to explain, in writing on the back of such certificate of recom-

mentation, to such governor or governess so recommending every such patient, the due cause of his not admitting every such patient as aforesaid.

\* \* \* \* \*

VI. AND be it further enacted, that any grand jury may appoint to the care of county gaols, subject to the provisions of the said recited Acts, a surgeon being a member or licentiate of one of the royal colleges of surgeons, or a physician being a member or licentiate of one of the royal colleges of physicians; and that whenever the surgeon or physician so appointed to the care of any county gaol shall also be the surgeon of a county infirmary situate within five miles of such county gaol, he shall for and in consideration of such additional salary which the grand jury is empowered to present to the surgeon of an infirmary, pursuant to the provisions of the aforesaid recited Act of the fifty-fourth year of the reign of his Majesty King George the Third [Rep., Stat. Law Rev. Act, 1874.], give his professional services and attendance to the prisoners and others within such county gaol, without other fee, salary, or reward; and it shall not be lawful for any grand jury to present any sum as a salary to be paid to such surgeon in virtue of his appointment as surgeon or physician of such county gaol: Provided nothing herein contained shall prevent any grand jury presenting a sum as salary for the physician or surgeon of county gaols, if such person be other than the surgeon of an infirmary situate within five miles of the county gaol of same county.

Grand jury may appoint a surgeon to county gaol without salary if he be surgeon of a county infirmary within five miles thereof, but otherwise with a salary.

VII. AND be it further enacted, that it shall and may be lawful to and for any grand jury in Ireland, at the assizes or presenting term next ensuing after the election of any such surgeon or physician as aforesaid, to call him before them, and to examine such surgeon or physician so elected, or any other person or persons in said county, upon oath, touching the said election; and if it shall appear that any offer, gift, promise, or loan of any money or other valuable thing shall have been made, with the privity or on behalf of any such surgeon or physician, either then or in prospect, to procure any vote or votes for his election, it shall then be competent for the said grand jury, and the said grand jury are hereby authorized and required thereupon, to withhold any sum or sums of money presented or to be by them presented for or as the salary of the said surgeon or physician of such infirmary, hospital, or dispensary aforesaid; and then and in that case such surgeon or physician shall be deemed incapable of receiving at any future time any money by presentment from the said county for the management of any infirmary, hospital, or dispensary within the same.

Grand jury shall withhold presentment for salary in case of bribery at election of surgeon.

## CHAPTER XCIII.

AN ACT to regulate the Trade to China and India. [28th August 1833.]

**W**HEREAS the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, now enjoyed by the United Company of Merchants of England trading to the East Indies, will cease from and after the twenty-second day of April one thousand eight hundred and thirty-four: And whereas it is expedient that the trade with China, and the trade in tea, should be open to all his Majesty's subjects, and that the restrictions imposed on the trade of his Majesty's subjects with places beyond the



Cape of Good Hope to the Streights of Magellan, for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said company, should be removed : . . . . .

All British subjects may trade beyond the Cape of Good Hope to the Streights of Magellan.

II. AND be it further enacted, that . . . . . it shall be lawful for any of his Majesty's subjects to carry on trade with any countries beyond the Cape of Good Hope to the Streights of Magellan.

\* \* \* \* \*

His Majesty may appoint three superintendents of the China trade, &c.

V. AND whereas it is expedient for the objects of trade and amicable intercourse with the dominions of the Emperor of China that provision be made for the establishment of a British authority in the said dominions: Be it therefore enacted, that it shall and may be lawful for his Majesty, by any commission or commissions or warrant or warrants under his royal sign manual, to appoint not exceeding three of his Majesty's subjects to be superintendents of the trade of his Majesty's subjects to and from the said dominions, for the purpose of protecting and promoting such trade, and by any such commission or warrant as aforesaid to settle such gradation and subordination among the said superintendents (one of whom shall be styled the chief superintendent), and to appoint such officers to assist them in the execution of their duties, and to grant such salaries to such superintendents and officers, as his Majesty shall from time to time deem expedient.

His Majesty in council may give powers to superintendents; and issue regulations as to the trade, &c. ;

and create a court of justice for trial of offences committed by British subjects in China, &c.

VI. AND be it enacted, that it shall and may be lawful for his Majesty, by any such order or orders, commission or commissions, as to his Majesty in council shall appear expedient and salutary, to give to the said superintendents, or any of them, powers and authorities over and in respect of the trade and commerce of his Majesty's subjects within any part of the said dominions; and to make and issue directions and regulations touching the said trade and commerce, and for the government of his Majesty's subjects within the said dominions; and to impose penalties, forfeitures, or imprisonments for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders shall be specified; and to create a court of justice with criminal and admiralty jurisdiction for the trial of offences committed by his Majesty's subjects within the said dominions, and the ports and havens thereof, and on the high seas within one hundred miles of the coast of China; and to appoint one of the superintendents herein-before mentioned to be the officer to hold such court, and other officers for executing the process thereof; and to grant such salaries to such officers as to his Majesty in council shall appear reasonable. [Rep., Stat. Law Rev. Act, 1874.]

Superintendents, &c. shall not accept gifts, or carry on trade.

VII. AND be it enacted, that no superintendent or commissioner appointed under the authority of this Act shall accept for or in discharge of his duties any gift, donation, gratuity, or reward, other than the salary which may be granted to him as aforesaid, or be engaged in any trade or traffic for his own benefit, or for the benefit of any other person or persons.

His Majesty may impose a tonnage duty, to be appropriated towards defraying the expence of establishments in China.

VIII. AND be it enacted, that it shall be lawful for his Majesty, by and with the advice of his privy council, by any order or orders to be issued from time to time, to impose, and to empower such persons as his Majesty in council shall think fit to collect and levy from or on account of any ship or vessel belonging to any of the subjects of his Majesty entering any port or place where the said superintendents or any of them shall be stationed, such duty on tonnage and goods as shall from time to time be specified in such order or orders, not exceeding in respect of tonnage the sum of five shillings for every ton, and not exceeding in respect of goods the sum of ten shillings for every one hundred pounds of the value of the same; the fund arising from the collection of which duties

shall be appropriated, in such manner as his Majesty in council shall direct, towards defraying the expences of the establishments by this Act authorized within the said dominions: Provided always, that every order in council issued by authority of this Act shall be published in the London Gazette; and that every such order in council, and the amount of expence incurred and of duties raised under this Act, shall be annually laid before both Houses of Parliament.

IX. AND be it enacted, that if any suit or action shall be brought against any person or persons for any thing done in pursuance of this Act, then and in every such case such action or suit shall be commenced or prosecuted within six months after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of his Majesty's courts having civil jurisdiction, and then within six months after the plaintiff or plaintiffs and defendant or defendants shall have been within the jurisdiction of any such court; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen in any place not within the jurisdiction of any of his Majesty's courts having civil jurisdiction; and the defendant or defendants shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff or plaintiffs, or their agent or attorney, as is provided in actions brought against any justice of the peace for acts done in the execution of his office by an Act passed in the twenty-fourth year of the reign of King George the Second, intituled "An Act for the rendering justices of the peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants" <sup>[<sup>a</sup>]</sup>; and the defendant or defendants in every such action or suit may plead the general issue, and give the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than the same ought to have been brought or laid in as aforesaid, then the jury shall find for the defendant or defendants; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue any action after the defendant or defendants shall have appeared, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be taken against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law <sup>[<sup>b</sup>]</sup>.

Limitation of actions.

24 Geo. 2. c. 44.

General issue.

Treble costs.

<sup>[<sup>a</sup></sup> This Act will be found in the Appendix to Vol. IV., p. 667.]

<sup>[<sup>b</sup></sup> See, as to treble costs, 5 & 6 Vict. c. 97. s. 2.]

## CHAPTER XCIV.

AN ACT for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery in England. [28th August 1833.]

2 & 3 Will. 4.  
c. 111.

**W**HEREAS by an Act passed in the second and third years of the reign of his present Majesty, intituled "An Act to abolish certain sinecure offices connected with the Court of Chancery, and to make provision for the lord high chancellor on his retirement from office," it was enacted, that the offices of the patentee of the subpoena office and the registrar of affidavits, amongst others, should cease from and after the twentieth day of August one thousand eight hundred and thirty-three, except as to any person appointed to any such office on or before the first day of June then last: And whereas the patentee of the subpoena office was appointed before that date: And whereas it is necessary that provision should be made for the due performance of the duties to such offices belonging; and it is expedient that other offices connected with the said court should be regulated, and that others should be abolished, and that such of the duties performed in the offices so to be abolished as are necessary to be continued should be transferred to other offices; and that the costs and expences of proceedings in the said court should be diminished, and that increased facilities should be afforded for the dispatch of business therein: . . . . .

\* \* \* \* \*

Master of  
reports and  
entries.  
Clerks of  
entries.

VIII. AND be it further enacted, that there shall be an officer to be called "The Master of Reports and Entries" [Rep., Stat. Law Rev. Act, 1874.], . . . . .

IX. AND be it further enacted, that there shall be in the office of the said master of reports and entries . . . . . two clerks, to be called clerks of entries; . . . . . and the said lord chancellor shall . . . . . appoint a successor in the event of a vacancy . . . . . of either clerk of entries.

Copies of  
decrees, &c.  
Recitals in  
decrees and  
orders.

X. AND be it further enacted, that any person shall be at liberty to take an office copy of so much only of any decree, order, report, or exceptions as he may require; and that, unless the court shall otherwise specially direct, no recitals shall be introduced in any decree or order of the said court, but the pleadings, petition, notice, report, evidence, affidavits, exhibits, or other matters or documents on which such decrees and orders shall be founded shall merely be referred to; and it shall be lawful for the lord chancellor, if he shall think fit, together with the master of the rolls and vice chancellor, or one of them, to make and issue such rules and regulations as to the form of such decrees and orders as he may deem necessary or proper for the proper drawing up of such decrees and orders, and carrying into effect the provisions of this Act in regard thereto.

\* \* \* \* \*

Suitors not  
compellable to  
take copies of  
documents, &c.

XIX. AND be it further enacted, that no person shall be compelled or required to take or pay for any copy of any paper or document being in the office of any master in ordinary; and that every person shall be at liberty to take a copy of such part only as he may require of any paper or document being in the office of any such master, and of any interrogatories and depositions being in the office of either of the examiners of the said court: Provided always, that in the taxation of costs as between party and party, or as between

solicitor and client, no person be allowed the costs of the copy of any paper or document, or of any part of any paper or document, originating in the master's office, or brought in before a master, unless such copy shall have been either made in the master's office, or transcribed from a copy made therein, and taken by the party claiming to be allowed the costs of such second or other copy, or unless such copy shall have been made for the use of any master, or of the court, or by the desire or for the use of the client or clients of the solicitor claiming to be paid for such copy.

XX. AND be it further enacted, that each and every of the . . . . . Examiners to hold office during good behaviour. examiners of the said court, shall hold their said offices during their good behaviour, and so long as they shall personally give their attendance upon their respective duties, and shall conduct themselves honestly and faithfully in the due execution of the duties of their said offices respectively.

XXI. AND be it further enacted, that the several offices of the High Court of Chancery shall be and continue open for the dispatch of business during such hours in the day, and that the officers and clerks belonging thereto respectively shall attend in such offices in the discharge of their several duties during such times and for such number of hours in each day, as the lord chancellor, together with the master of the rolls and vice chancellor, or one of them, shall by any order or orders to be issued by them from time to time direct; and that the officers and clerks in the said respective offices shall give their personal attendance in their respective offices during the times they shall so as aforesaid be directed to attend, unless otherwise engaged in the business of their respective offices, or prevented by sickness or other unavoidable cause. Hours of business in the several offices.

XXII. AND be it further enacted, that it shall and may be lawful for the lord chancellor, with the advice of the master of the rolls and vice chancellor, or one of them, and they are hereby required, forthwith to make and issue such general orders as they shall think fit for carrying the provisions of this Act into execution, and such other rules and orders, not being inconsistent with the enactments and provisions of this Act, as they shall think fit and proper, for simplifying, establishing, and settling the course of practice of the said court and of its several offices. Lord chancellor, &c. shall make rules and orders as to the practice of the court, &c.;

XXIII. AND be it enacted, that the lord chancellor, with the like advice of the master of the rolls and vice chancellor, or one of them, shall be and is hereby authorized and empowered, by the like general orders to be made and issued by them as aforesaid, from time to time to annul, alter, or vary any orders which may have been so as aforesaid made and issued, and to issue new rules and orders for the purposes herein-before mentioned, or any of them. and may annul or alter the same, &c.

XXIV. AND be it further enacted, that it shall be lawful for the master of the rolls for the time being, and he is hereby required, to hear and determine all such motions arising in causes depending in the High Court of Chancery as shall be duly made before him according to the usage and practice of making motions in causes before the lord chancellor, and to hear and determine all such pleas and demurrers filed in causes depending in the High Court of Chancery as shall be duly set down for hearing before him; and that all orders made by the said master of the rolls for the time being upon the hearing of such motions, pleas, and demurrers respectively shall be deemed and taken to be respectively valid orders of the High Court of Chancery; Master of the rolls to determine motions arising in the Court of Chancery, &c.

subject nevertheless in every case to be discharged, reversed, or altered by the lord chancellor for the time being.

\* \* \* \* \*

Solicitors  
appointed to  
any office  
under this Act  
to be struck  
off the rolls.

XXVI. AND be it further enacted, that every solicitor or attorney who shall be appointed to and shall accept any office or employment under or by virtue of this Act shall forthwith be struck off the roll of solicitors of the High Court of Chancery, and off the roll of attornies of any of his Majesty's courts of record at Westminster, on which his name may be.

\* \* \* \* \*

Lord keeper,  
&c. may exer-  
cise powers of  
lord chancellor  
under this Act.

XXX. AND be it further enacted, that the powers and authorities given by this Act to the lord high chancellor shall and may be exercised in like manner and are hereby given to the lord keeper or lords commissioners for the custody of the great seal respectively for the time being.

Sealing and  
issuing of sub-  
pœnas.

XXXI. AND be it enacted, that the patentee of the subpœna office shall forthwith provide a seal, in such form and with such impression as the lord chancellor shall approve of; and that the lord chancellor for the time being may cause such seal or impression to be varied from time to time as to him may seem fit; and that any person desirous of issuing a writ of subpœna, such as has been heretofore issued by such patentee, may prepare such subpœna, and present the same for sealing, and the same shall henceforth be an open writ, and either in the present form or in any other form which the lord chancellor may from time to time direct; and such writ shall, upon presentment thereof for that purpose, be forthwith sealed with such seal, and shall have the same force and validity as a writ of subpœna now has when sealed with the great seal; . . . . .

\* \* \* \* \*

Salaries of  
officers.

[XXXIII.\*] AND be it further enacted, that there shall be paid . . . . . to the several officers named in the schedule hereunder written, the several salaries or yearly sums set opposite to their respective names or titles in such schedule; and that such salaries or yearly sums shall be payable and paid by equal quarterly payments on the twenty-fifth day of February, the twenty-fifth day of May, the twenty-fifth day of August, and the twenty-fifth day of November in every year, . . . . .

Proportion of  
salaries payable  
to officers re-  
signing and  
representatives  
of deceased  
officers.

[XXXIV.\*] AND be it further enacted, that in the event of the death, resignation, or removal of the masters in ordinary or their clerks, or of any officer to be appointed or continued by virtue of this Act, in the interval between any of the quarterly days of payment on which his salary is hereby made payable, the officer so resigning or being removed, or the executors or administrators of the officer so dying, shall be entitled to receive and shall be paid such proportionate part of his said salary as shall have accrued from the next preceding quarterly day of payment to the day of such death, resignation, or removal; and the person next in succession to any such officer shall be entitled to receive and be paid such portion of the said salary as shall have accrued

[\* Sections 33 and 34 and the schedule are rep., except so far as they respectively relate to the clerks of entries and the examiners and their clerks, Stat. Law Rev. Act, 1874.]

and may accrue from the day of such death, resignation, or removal as aforesaid to the next succeeding quarterly day of payment.

\* \* \* \* \*

The SCHEDULE herein-before referred to.

	Salary.
First clerk of entries - - - - -	£150 per ann.
Second - - - - -	100 —
To each of the two examiners of the court - - - - -	700 —
To the clerk of each of the examiners - - - - -	150 —

## CHAPTER XCVIII.

AN ACT for giving to the Corporation of the Governor and Company of the Bank of England certain Privileges, for a limited Period, under certain Conditions.

[29th August 1833.]

**W**HEREAS an Act was passed in the thirty-ninth and fortieth years of the reign of his Majesty King George the Third, intituled “An Act for establishing an agreement with the governor and company of the Bank of England for advancing the sum of three millions towards the supply for the service of the year one thousand eight hundred”: And whereas it was by the said recited Act declared and enacted, that the said governor and company should be and continue a corporation, with such powers, authorities, emoluments, profits, and advantages, and such privileges of exclusive banking, as are in the said recited Act specified, subject nevertheless to the powers and conditions of redemption and on the terms in the said Act mentioned: And whereas an Act passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled “An Act for the better regulating co-  
 “ partnerships of certain bankers in England, and for amending so much of  
 “ an Act of the thirty-ninth and fortieth years of the reign of his late Majesty  
 “ King George the Third, intituled ‘An Act for establishing an agreement  
 “ ‘ with the governor and company of the Bank of England for advancing the  
 “ ‘ sum of three millions towards the supply for the service of the year one  
 “ ‘ thousand eight hundred,’ as relates to the same”: And whereas it is expedient that certain privileges of exclusive banking should be continued to the said governor and company for a further limited period, upon certain conditions: And whereas the said governor and company of the Bank of England are willing to deduct and allow to the public, from the sums now payable to the said governor and company for the charges of management of the public unredeemed debt, the annual sum herein-after mentioned, and for the period in this Act specified, provided the privilege of exclusive banking specified in this Act is continued to the said governor and company for the period specified in this Act: May it therefore please your Majesty that it may be enacted, and be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

39 & 40 Geo. 3.  
c. 28.

7 Geo. 4. c. 46.

Bank of England to enjoy an exclusive privilege of banking upon certain conditions.

Parliament assembled, and by the authority of the same, that the said governor and company of the Bank of England shall have and enjoy such exclusive privilege of banking as is given by this Act, as a body corporate, for the period and upon the terms and conditions herein-after mentioned, and subject to termination of such exclusive privilege at the time and in the manner in this Act specified.

During such privilege, no banking company of more than six persons to issue notes payable on demand within London, or 65 miles thereof.

II. AND be it further enacted, that during the continuance of the said privilege, no body politic or corporate, and no society or company, or persons united or to be united in covenants or partnerships, exceeding six persons, shall make or issue in London, or within sixty-five miles thereof, any bill of exchange or promissory note, or engagement for the payment of money on demand, or upon which any person holding the same may obtain payment on demand: Provided always, that nothing herein or in the said recited Act of the seventh year of the reign of his late Majesty King George the Fourth contained shall be construed to prevent any body politic or corporate, or any society or company, or incorporated company or corporation, or co-partnership, carrying on and transacting banking business at any greater distance than sixty-five miles from London, and not having any house of business or establishment as bankers in London, or within sixty-five miles thereof (except as herein-after mentioned), to make and issue their bills and notes, payable on demand or otherwise, at the place at which the same shall be issued, being more than sixty-five miles from London, and also in London, and to have an agent or agents in London or at any other place at which such bills or notes shall be made payable for the purpose of payment only; but no such bill or note shall be for any sum less than five pounds, or be re-issued in London, or within sixty-five miles thereof.

III. AND whereas the intention of this Act is, that the governor and company of the Bank of England should, during the period stated in this Act (subject nevertheless to such redemption as is described in this Act), continue to hold and enjoy all the exclusive privileges of banking given by the said recited Act of the thirty-ninth and fortieth years of the reign of his Majesty King George the Third aforesaid, as regulated by the said recited Act of the seventh year of his late Majesty King George the Fourth, or any prior or subsequent Act or Acts of Parliament, but no other or further exclusive privilege of banking: And whereas doubts have arisen as to the construction of the said Acts, and as to the extent of such exclusive privilege; and it is expedient that all such doubts should be removed: Be it therefore declared and enacted, that any body politic or corporate, or society, or company, or partnership, although consisting of more than six persons, may carry on the trade or business of banking in London, or within sixty-five miles thereof, provided that such body politic or corporate, or society, or company, or partnership do not borrow, owe, or take up in England any sum or sums of money on their bills or notes payable on demand, or at any less time than six months from the borrowing thereof, during the continuance of the privileges granted by this Act to the said governor and company of the Bank of England.

Any company or partnership may carry on business of banking in London, or within 65 miles thereof, upon the terms herein mentioned.

All notes of the Bank of England payable on demand which shall be

IV. PROVIDED always, and be it further enacted, that from and after the first day of August one thousand eight hundred and thirty-four all promissory notes payable on demand of the governor and company of the Bank of England which shall be issued at any place in that part of the United King-

dom called England out of London, where the trade and business of banking shall be carried on for and on behalf of the said governor and company of the Bank of England, shall be made payable at the place where such promissory notes shall be issued; and it shall not be lawful for the said governor and company, or any committee, agent, cashier, officer, or servant of the said governor and company, to issue, at any such place out of London, any promissory note payable on demand which shall not be made payable at the place where the same shall be issued, anything in the said recited Act of the seventh year aforesaid to the contrary notwithstanding.

issued out of London shall be payable at the place where issued, &c.

V. AND be it further enacted, that upon one year's notice given within six months after the expiration of ten years from the first day of August one thousand eight hundred and thirty-four, and upon repayment by Parliament to the said governor and company, or their successors, of all principal money, interest, or annuities which may be due from the public to the said governor and company at the time of the expiration of such notice, in like manner as is herein-after stipulated and provided in the event of such notice being deferred until after the first day of August one thousand eight hundred and fifty-five, the said exclusive privileges of banking granted by this Act shall cease and determine at the expiration of such year's notice; and any vote or resolution of the House of Commons, signified by the speaker of the said House in writing, and delivered at the public office of the said governor and company, or their successors, shall be deemed and adjudged to be a sufficient notice. [Rep., Stat. Law Rev. Act, 1874.]

Exclusive privileges hereby given to end upon one year's notice given at the end of ten years after August 1834.

What shall be deemed sufficient notice.

VI. AND be it further enacted, that from and after the first day of August one thousand eight hundred and thirty-four, unless and until Parliament shall otherwise direct, a tender of a note or notes of the governor and company of the Bank of England, expressed to be payable to bearer on demand, shall be a legal tender, to the amount expressed in such note or notes, and shall be taken to be valid as a tender to such amount for all sums above five pounds on all occasions on which any tender of money may be legally made, so long as the Bank of England shall continue to pay on demand their said notes in legal coin: Provided always, that no such note or notes shall be deemed a legal tender of payment by the governor and company of the Bank of England, or any branch bank of the said governor and company; but the said governor and company are not to become liable or be required to pay and satisfy, at any branch bank of the said governor and company, any note or notes of the said governor and company not made specially payable at such branch bank; but the said governor and company shall be liable to pay and satisfy at the Bank of England in London all notes of the said governor and company, or of any branch thereof.

Bank notes to be a legal tender, except at the Bank and branch banks.

VIII. AND be it further enacted, that an account of the amount of bullion and securities in the Bank of England belonging to the said governor and company, and of notes in circulation, and of deposits in the said Bank, shall be transmitted weekly to the chancellor of the Exchequer for the time being; and such accounts shall be consolidated at the end of every month; and an average state of the bank accounts of the preceding three months, made from such consolidated accounts as aforesaid, shall be published every month in the next succeeding London Gazette.

Accounts of bullion, &c. and of notes in circulation to be sent weekly to the chancellor of the Exchequer, &c.

XIV. AND be it further enacted, that all the powers, authorities, franchises, privileges, and advantages given or recognized by the said recited Act of the

Provisions of 39 & 40 Geo. 3. c. 28., &c. to



remain in force, except as altered by this Act, subject to redemption.

thirty-ninth and fortieth years aforesaid, as belonging to or enjoyed by the governor and company of the Bank of England, or by any subsequent Act or Acts of Parliament, shall be and the same are hereby declared to be in full force and continued by this Act, except so far as the same are altered by this Act, subject nevertheless to such redemption upon the terms and conditions following; (that is to say,) that at any time, upon twelve months notice to be given after the first day of August one thousand eight hundred and fifty-five, and upon repayment by Parliament to the said governor and company or their successors of the sum of eleven millions fifteen thousand one hundred pounds, being the debt which will remain due from the public to the said governor and company after the payment of the one fourth of the debt of fourteen millions six hundred and eighty-six thousand eight hundred pounds, as herein-before provided, without any deduction, discount, or abatement whatsoever, and upon payment to the said governor and company and their successors of all arrears of the sum of one hundred thousand pounds per annum in the said Act of the thirty-ninth and fortieth years aforesaid mentioned, together with the interest or annuities payable upon the said debt or in respect thereof, and also upon repayment of all the principal and interest which shall be owing unto the said governor and company and their successors upon all such tallies, Exchequer orders, Exchequer bills, or parliamentary funds which the said governor and company or their successors shall have remaining in their hands or be entitled to at the time of such notice to be given as last aforesaid, then and in such case, and not till then, (unless under the proviso herein-before contained,) the said exclusive privileges of banking granted by this Act shall cease and determine at the expiration of such notice of twelve months.

\* \* \* \* \*

## CHAPTER XCIX.

AN ACT for facilitating the Appointment of Sheriffs, and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Issues, forfeited Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer.

[29th August 1833.]

**W**HEREAS the appointment of sheriffs, and the audit and passing of their accounts in the Court of Exchequer, are attended with unnecessary expense, delay, and trouble: . . . . .

Sheriffs not to sue out patents, nor bailiffs to make proffers, &c.

II. AND be it further enacted, that from and after the passing of this Act it shall not be necessary for any sheriff or sheriffs of any county, city, or town in England or Wales to sue out any patent or writ of assistance, or to make or pay proffers, nor shall any bailiff or bailiffs of liberties in England or Wales be required to make or pay any proffers, nor shall he or they have any day of prefixion, or be apposed, or take any oath or oaths before the cursitor baron to account, or account, or be cast out of court, as now or heretofore in use in his Majesty's Court of Exchequer, any law, statute, or usage to the contrary notwithstanding.

Appointment of sheriffs by warrant.

III. AND be it further enacted, that whenever any person shall be duly pricked or nominated by his Majesty for and to be sheriff of any county in

England or Wales, except the county palatine of Lancaster, the same shall be forthwith notified in the London Gazette, and a warrant in the form set forth in the schedule to this Act shall be forthwith made out and signed by the clerk of the privy council, and transmitted by him to the person so nominated and appointed sheriff as aforesaid; and the appointment of sheriff thereby made shall be as good, valid, and effectual in the law to all intents and purposes whatsoever as if the same had been made by patent under the great seal of Great Britain, or by any ways and means heretofore in use; and the sheriff and sheriffs so appointed as aforesaid shall thereupon, and upon taking the oath of office hereafter mentioned, have and exercise all powers, privileges, and authorities whatsoever usually exercised and enjoyed by sheriffs of counties in England and Wales, without any patent, writ of assistance, or other writ whatsoever, or entering into any recognizance by himself or sureties, and without payment of or being liable to pay any fees whatsoever for the same.

IV. PROVIDED always, and be it further enacted, that a duplicate of the said warrant shall, within ten days next after the date of the same warrant, be transmitted by the said clerk of the privy council to the clerk of the peace of the county for which such person shall be nominated and appointed sheriff, to be by the said clerk of the peace enrolled, and which he is hereby required to enrol and keep without fee or reward.

Clerk of peace to enrol duplicate of warrant.

V. AND be it further enacted, that from and after the passing of this Act every person so appointed sheriff as aforesaid shall, within one calendar month next after the notification of his appointment in the London Gazette, by writing under his hand nominate and appoint some fit and proper person to be his under sheriff, and shall transmit a duplicate thereof to the clerk of the peace for the county, to be by him filed, and which he is hereby required to file, among the records of his office, and for which he shall be entitled to demand and have from such under sheriff the sum of five shillings, and no more; and such appointment and duplicate shall not be liable to any stamp duty whatever.

Sheriff to appoint an under sheriff, and transmit a duplicate of appointment to the clerk of the peace to be filed.

VI. AND be it further enacted, that each and every person so appointed sheriff and under sheriff as aforesaid, except the sheriffs of London and Middlesex and their under sheriffs, shall, before he enter upon the execution of his office, take the oath of office heretofore and now required by law; which oath shall be fairly written on parchment (without being subject to any stamp duty), and signed by him, and shall and may be sworn before the barons of his Majesty's Exchequer or any of them, or any one of his Majesty's justices of the peace for the county of which he shall be appointed sheriff or under sheriff; and the same shall be thereupon transmitted to the clerk of the peace for the same county, who is hereby required to file the same among the records of his office, and for which he shall be entitled to demand and have from such sheriff or under sheriff the sum of five shillings, and no more.

Oaths of sheriff and under sheriff.

VII. AND be it further enacted, that every sheriff of any county, city, liberty, division, town corporate, or place, shall at the expiration of his office make out and deliver to the new or in-coming sheriff a true and correct list and account under his hand of all prisoners in his custody, and of all writs and other process in his hands not wholly executed by him, with all such particulars as shall be necessary to explain to the said in-coming sheriff the several matters

Prisoners and writs, &c. to be turned over by sheriff at the expiration of his office to the in-coming sheriff.

intended to be transferred to him, and shall thereupon turn over and transfer to the care and custody of the said in-coming sheriff all such prisoners, writs, and process, and all records, books, and matters appertaining to the said office of sheriff; and the said in-coming sheriff shall thereupon sign and give a duplicate of such list and account to the sheriff going out of office, to whom the same shall be a good and sufficient discharge of and from all the prisoners therein mentioned and transferred to the said in-coming sheriff, and the further charge of the execution of the writs, process, and other matters therein contained, without any writ of discharge or other writ whatsoever; and the said in-coming sheriff shall thereupon stand and be charged with the said prisoners, and also with the execution and care of the said writs, process, and other matters contained in the said list and account, as fully and effectually as if the same writs and process had been turned over by indenture and schedule; and in case any sheriff shall refuse or neglect at the expiration of his office to make out, sign, and deliver such list and account as aforesaid, and to turn over the process aforesaid in manner aforesaid, every such sheriff so neglecting or refusing shall be liable to make such satisfaction by damages and costs to the party aggrieved as he, she, or they shall sustain by such neglect or refusal.

Sheriffs accounts to be audited by commissioners for auditing public accounts.

Sheriffs going out of office (except those of Chester, Lancaster, and Durham,) to transmit accounts to commissioners.

VIII. AND be it further enacted, that the accounts of the present and future sheriffs of counties, cities, and towns within England (except the counties palatine of Chester, Lancaster, and Durham,) shall from and after the passing of this Act be examined and audited by the commissioners appointed or to be appointed for auditing public accounts [Rep., 22 & 23 Vict. c. 21. s. 28.] . . . . .

IX. AND be it further enacted, that every person and persons who now are or who hereafter shall be sheriff or sheriffs of any county, city, or town within England (except the said counties palatine of Chester, Lancaster, and Durham,) shall within two calendar months next after the expiration of his or their office, or in case of the death of any sheriff or sheriffs the under sheriff by him or them appointed shall within two calendar months next after the death of such sheriff or sheriffs, transmit to the said commissioners for auditing public accounts a just and true account, under his or their hand or hands, of all sums received by such sheriff or sheriffs to or for the use of his Majesty, and of all sums paid or claimed by him or them, or on his or their behalf (save such sums as are or have been usually inserted and allowed in the bill of cravings), with all such particulars as shall be needful to explain the same: Provided always, that such under sheriff shall not be personally responsible for any sum or sums received by such deceased sheriff, but that the same shall be answered by the representatives of the said deceased sheriff, or otherwise in due course of law: Provided always, that the sheriff of Westmoreland shall yearly, within two calendar months next after the first day of January in every year, transmit or cause to be transmitted to the said commissioners for auditing the public accounts a like account under his hand, or the hand of his under sheriff, of all sums paid by him to or for the use of his Majesty within or during the year of our Lord next preceding, and of all sums paid or claimed by him or on his behalf during the same period (save such sums as are or have been usually inserted in the bill of cravings), with all such particulars as shall be needful to explain the same.

Sheriff of Westmoreland to transmit like accounts yearly.

Oath or affidavit of sheriff as to accounts may be taken

X. AND be it further enacted, that in case it shall be necessary for any such sheriff or sheriffs, or his or their under sheriff, to make oath or affidavit to any such account, or any article, matter, or thing relating thereto, such oath or

affidavit, except when the said commissioners shall require his or their personal examination before them, shall and may be sworn before any of the judges of his Majesty's superior courts of record at Westminster, or before any commissioner for taking affidavits in any of the same courts, or before any master or master extraordinary in the High Court of Chancery, or before any of his Majesty's justices of the peace.

before a judge, commissioner, or magistrate.

XI. AND be it further enacted, that the claim of every sheriff or sheriffs for certain allowances usually called the bill of cravings shall, from and after the passing of this Act, be preferred to the lord high treasurer or the commissioners of his Majesty's Treasury for the time being; who, or any three or more of whom, shall and may grant a warrant for the allowance of the same in the account of such sheriff or sheriffs, or for the payment of such sum or sums of money in respect thereof as they shall think reasonable in that behalf.

Bill of cravings to be settled by the Treasury.

XII. AND whereas the present mode of managing and collecting certain quit rents and vicecomital or viscontiel rents due to his Majesty, and the present mode of accounting for and paying post fines on alienation of lands and other hereditaments, have been found disadvantageous to the public service, and inconvenient and troublesome to sheriffs: For remedy whereof, be it enacted, that from and after the tenth day of October next no sheriff or sheriffs shall receive or shall be chargeable with the collection and receipt of quit rents, vicecomital or viscontiel rents, and other rents or payments issuing out of or payable to his Majesty in respect of any honors, manors, lands, tenements, or hereditaments in England or Wales; but the same (except such as shall be released pursuant to the provision next herein-after contained) shall hereafter be considered as part and parcel of the land revenue of the crown, and shall be under the care, management, and direction of his Majesty's commissioners of woods, forests, and land revenue, who shall have and exercise the same powers and authorities for collecting and enforcing the payment thereof as are given to or vested in them for collecting and enforcing payment of any other part of his Majesty's land revenue by any Act or Acts now in force concerning the same.

Quit rents, &c. to be received by commissioners of woods, forests, and land revenues.

XIII. AND whereas many of the said rents are very ancient, and have become obsolete, and it is not known out of or from what hereditaments and premises the same are issuing and payable, so that payment thereof cannot be enforced: Be it therefore enacted, that it shall be lawful for the lord high treasurer or the commissioners of his Majesty's Treasury, and he and they are hereby empowered, by warrant under his or their hands, to remit, release, and discharge all or any of the same rents, and the arrears thereof, or any part thereof.

Treasury may release certain rents.

\* \* \* \* \*

XXII. AND whereas an Act was passed in the twenty-second and twenty-third years of the reign of his late Majesty King Charles the Second, intituled "An Act for the better and more certain recovery of fines and forfeitures due to his Majesty," and which Act was made perpetual by an Act made in the fourth and fifth years of the reign of their late Majesties King William and Queen Mary: And whereas it is expedient that further provision should be made for the speedy and regular return of fines, issues, amerciaments, penalties, forfeited recognizances, and deodands, in certain cases: . . . . .

22 & 23 Cha. 2. c. 22.

4 Will. & Mar. c. 24.

XXIII. AND be it further enacted, that the clerk of the Parliament shall, within fourteen days next after every session of Parliament, make out an

Clerk of Parliament to return to Treas-

surey and to  
commissioners  
an account of  
fines set in the  
House of  
Lords ;

account of all and every fines or fine which shall or may be set or imposed, and also of all recognizances ordered to be estreated, by the lords spiritual and temporal in Parliament assembled during such preceding session of Parliament, with the names and residences of the parties, and distinguishing such of the said fines as shall have been received, and transmit the same to the lord high treasurer or to the commissioners of his Majesty's Treasury, and also a duplicate thereof to the said commissioners for auditing the public accounts, and also shall, within the time aforesaid, certify and estreat all such fines as shall not have been received by him in and into his Majesty's Court of Exchequer.

and pay fines  
received as  
Treasury shall  
direct.

XXIV. AND be it further enacted, that all fines which shall be received by the said clerk of the Parliament shall be paid by him to such person or persons, at such times, and in such manner, as the lord high treasurer or any three of the commissioners of his Majesty's Treasury shall by warrant direct.

Clerk of  
House of Com-  
mons to make  
return of all  
recognizances  
certified by the  
speaker, &c.

XXV. AND be it further enacted, that the clerk of the House of Commons shall, within fourteen days next after every session of Parliament, make out an account of all recognizances certified by the speaker of the said House or estreated by him into the Exchequer, with the names and residences of the parties, and transmit the same to the lord high treasurer, or to the commissioners of his Majesty's Treasury, and also a duplicate thereof to the said commissioners for auditing the public accounts.

Account of  
fines in King's  
Bench, Com-  
mon Pleas, and  
Exchequer to  
be transmitted  
to Treasury  
and to com-  
missioners.

XXVI. AND be it further enacted, that the King's coroner and attorney of his Majesty's Court of King's Bench, and the prothonotaries of his Majesty's Court of Common Pleas, and his Majesty's remembrancer of the Court of Exchequer, and also the masters and prothonotaries of the office of pleas in the same court, respectively, shall on the first day of every term make out an account of all fines, issues, amerciaments, penalties, and recognizances set, lost, imposed, or forfeited to or for the use of his Majesty in the said courts respectively, and not before estreated, with the names and residences of the parties, and distinguishing such as shall have been paid, and transmit the same to the commissioners of his Majesty's Treasury, and also a duplicate thereof to the said commissioners for auditing the public accounts.

Unpaid fines to  
be estreated.

XXVII. AND be it further enacted, that the said coroner and attorney of his Majesty's Court of King's Bench, the prothonotaries of the Court of Common Pleas, and the master and prothonotaries of the office of pleas, and King's remembrancer, respectively, shall, on the first day of every term, and at such other time or times as they shall respectively be ordered or required so to do by any order of the said courts respectively or by the order of any judge or baron thereof, certify and estreat all such fines, issues, amerciaments, penalties, and recognizances set, lost, imposed, or forfeited as aforesaid, and not received by them respectively, in and into the said Court of Exchequer.

Fines, &c.  
received to be  
paid as Treas-  
ury shall  
direct.

XXVIII. AND be it further enacted, that all such fines, issues, amerciaments, penalties, and recognizances set, lost, imposed, or forfeited as aforesaid, which shall be received by any of the said officers of the said courts of King's Bench, Common Pleas, or Exchequer, shall be paid by them respectively to such officer or officers or to such person or persons entitled thereto, and at such times and in such manner as the lord high treasurer or the commissioners of his Majesty's Treasury shall by warrant under his or their hands direct.

XXIX. AND be it further enacted, that an account in writing of all fines, issues, amerciaments, penalties, and recognizances set, lost, imposed, or forfeited to or for the use of his Majesty by or before any judge or judges of assizes, clerk of the market, or commissioners of sewers, throughout the kingdom of England, and also all deodands found or forfeited to or for the use of his Majesty throughout the same kingdom, shall, within fourteen days next after any such fines, issues, amerciaments, penalties, recognizances, or deodands shall respectively be set, lost, imposed, forfeited, found, or accrue, be made out by the clerk of assize, clerk of the market, commissioners of sewers, and coroners, or other person or persons respectively to whom it doth appertain or belong to make estreat thereof, with the names and residences of the parties liable to make payment thereof respectively, and distinguishing such as shall have been paid or received; and two copies of such account when so made out shall be signed by the person or persons so required to make out the same, who shall, within the time last aforesaid, transmit one copy thereof to the commissioners of his Majesty's Treasury, and another copy thereof to the commissioners for auditing the public accounts; and the same fines, issues, amerciaments, penalties, recognizances, and deodands shall also within the time last aforesaid be duly certified and estreated by such officers and persons respectively in and into the said Court of Exchequer; and all sum and sums of money which shall have been received for or on account of any such fines, issues, amerciaments, penalties, forfeitures, recognizances, or deodands, shall be paid over by the parties respectively receiving the same unto the sheriff or sheriffs of the county, city, or town wherein the same shall have been set, lost, imposed, forfeited, found, or accrued, to the intent that such sheriff or sheriffs may be charged therewith and duly account for the same.

Account of fines by judges of assize, commissioners of sewers, clerks of the market, and of deodands, to be transmitted to Treasury and to commissioners of audit, &c.

XXX. PROVIDED always, and be it enacted, that in all cases where any fines, issues, recognizances, penalties, forfeitures, or deodands are required by any Act or Acts now in force to be estreated, upon oath, in or into the Court of Exchequer, such oath shall and may be sworn and taken before a judge of any of his Majesty's superior courts of record at Westminster, or before any commissioners for taking affidavits in the same courts, or before any master extraordinary in the High Court of Chancery, or before any of his Majesty's justices of the peace; and every such estreat shall be transmitted to and filed with his Majesty's remembrancer of the said Court of Exchequer, and received and entered by him without fee or reward.

Where fines, &c. are now estreated upon oath, such oath may be taken before a judge, &c.

XXXI. AND be it further enacted, that his Majesty's remembrancer do and shall, on or before the first seal day next after every term, make out an account in writing of all fines, issues, amerciaments, penalties, forfeited recognizances, and deodands estreated during the preceding vacation and term, and also of all returns within the same period of sheriffs to process issued for the purpose of levying any estreated fines, issues, amerciaments, penalties, forfeited recognizances, and deodands, and shall, within the time last aforesaid, transmit and send one copy of such account to the commissioners of his Majesty's Treasury,

Accounts of estreats to be transmitted to Treasury and to commissioners of audit.

XXXII. AND be it further enacted, that his Majesty's said remembrancer shall, on the first seal day next after every term, and also at any other time or times when required by the Court of Exchequer or by the fiat or order of any baron thereof, make out and issue, or cause to be made out and issued, accord-

Process to be issued every term, or oftener, to levy estreats.

ing to the practice of the Court of Exchequer, and without fee or reward, process for duly levying and enforcing payment of all such fines, issues, amerciaments, penalties, forfeited recognizances, and deodands estreated as aforesaid (except as herein-after mentioned), which shall not theretofore have been levied, recovered, vacated, or discharged, and so from time to time until the same shall be fully paid or levied, vacated or discharged.

Power to  
Treasury to  
stay process,  
and discharge  
the fines, &c.

XXXIII. AND be it further enacted, that it shall be lawful for the lord high treasurer or the commissioners of his Majesty's Treasury, and he or they are hereby authorized, by warrant under his or their hands directed to the proper officer or officers, to stay the issuing or execution of all or any process touching any of the matters set, lost, imposed, forfeited, or estreated as aforesaid, and to vacate and discharge such fines, issues, amerciaments, penalties, forfeited recognizances, or deodands, or any of them, or any part thereof; provided that nothing in this clause contained shall extend to enable the said lord high treasurer or the commissioners of his Majesty's Treasury to remit or restore any fine, issue, amerciaments, penalty, forfeited recognizance, or deodand to which any body corporate or politic, person or persons, shall or may be entitled, which shall have been actually levied by or paid to them.

Power to per-  
sons entitled  
to any fines,  
&c. to inspect  
accounts.

XXXIV. AND be it further enacted, that all bodies corporate and politic, and all and every other person and persons, having or claiming title to any fines, issues, amerciaments, penalties, forfeited recognizances, deodands, sum or sums of money contained in any account transmitted by virtue of this Act to the commissioners for auditing public accounts, shall and may, by themselves, or their, his, or her bailiff, steward, or agent, at all seasonable times, have access to the said accounts, and take minutes or extracts therefrom.

The Treasury  
may order pay-  
ment of fines,  
&c.

XXXV. AND be it further enacted, that it shall be lawful for the lord high treasurer, or any three or more of the commissioners of his Majesty's Treasury, from time to time to order and direct payment, by warrant under his or their hand, of the said fines, issues, amerciaments, penalties, forfeited recognizances, deodands, sum and sums of money, or any of them, to any body corporate or politic, person or persons entitled to the same, or to their, his, or her bailiff, steward, or agent: Provided always, that notwithstanding such payment any body politic or corporate, person or persons, aggrieved thereby, shall and may apply by petition in the manner herein-after mentioned against the party or parties to whom such payment shall have been made, to restore or refund the sum or sums by him or them so received.

If Treasury  
reject claims,  
the party may  
appeal to the  
Court of Ex-  
chequer.

XXXVI. PROVIDED always, and be it further enacted, that in case the commissioners of his Majesty's Treasury shall neglect, refuse, or decline to order the payment of any fines, issues, amerciaments, penalties, forfeited recognizances, deodands, sum or sums of money so claimed as aforesaid, or if any party shall be aggrieved by any order made by the said commissioners, it shall be lawful for any such body or bodies corporate or politic, person or persons, to apply in a summary way by petition to the lord chief baron and the other barons of his Majesty's Court of Exchequer, setting forth the nature of the claim or title of the petitioners or petitioner; and thereupon the said barons of his Majesty's Court of Exchequer shall and they are hereby authorized to proceed to call the proper parties before them, and to hear and determine the matter of the said petition, and to give such costs and to make such order and orders therein as they shall deem just.

XXXVII. PROVIDED also, and be it further enacted, that nothing herein contained shall extend or be prejudicial to the rights, privileges, and remedies of any bodies politic or corporate, or of any lord of any manor, liberty, or franchise whatsoever, or of any person or persons, claiming title under or by virtue of any grant from the crown, anything herein contained to the contrary notwithstanding.

Act not to prejudice rights of corporate bodies, &c.

XXXVIII. PROVIDED always, and be it further enacted, that nothing herein contained shall extend to prejudice or affect the power, jurisdiction, or authority of the lord chief baron and the other barons of his Majesty's Court of Exchequer as to the said fines, issues, amerciaments, penalties, forfeited recognizances, and estreats, or any process or proceedings thereon.

Act not to affect jurisdiction of Court of Exchequer.

XXXIX. PROVIDED always, and be it enacted, that nothing herein contained shall extend or be prejudicial to the rights, liberties, or privileges of the King's most excellent Majesty, his heirs and successors, in right of his duchy or county palatine of Lancaster or duchy of Cornwall, or the duke of Cornwall when there shall be a duke of Cornwall, or to the rights, liberties, or privileges of the prince bishop of Durham and the county palatinate of Durham, or to the rights, customs, liberties, privileges, charter or charters of the city of London; but that the same rights and privileges shall be enjoyed and used as fully to all intents and purposes as before the passing of this Act.

Act not to affect rights of counties palatine or of city of London.

XL. PROVIDED also, and be it further enacted, that nothing herein contained shall extend to or prejudice the rights, liberties, and privileges of the city and county of the city of Chester; but that the sheriffs thereof shall and may account and obtain their quietus in like manner as hath heretofore been accustomed.

Rights of the city of Chester saved.

XLI. AND whereas many of the duties and much of the business of the lord treasurer's remembrancer and clerk of the pipe, and the offices connected therewith, in his Majesty's Court of Exchequer, have been transferred to other offices, or have ceased, or on the passing of this Act will cease; and other duties have become obsolete; and it is expedient that the said offices and other offices connected therewith should be abolished, and the duties thereof remaining hereafter to be performed be transferred to and performed by his Majesty's remembrancer of the said court: Be it therefore enacted, that from and after the tenth day of October next the several offices in his Majesty's Court of Exchequer hereafter mentioned; namely, of lord treasurer's remembrancer, together with the filacer, secondaries, deputy remembrancer, and sworn and other clerks and bagbearer belonging thereto; of clerk of the pipe, deputy clerk of the pipe, controller and deputy controller of the pipe, secondaries, attornies, or sworn and other clerks and bagbearer in the said office of the pipe; of clerk of the estreats; of surveyor of the green wax; of the foreign apposer and deputy foreign apposer, and of clerk of the nichills, shall wholly cease and determine. [Rep., Stat. Law Rev. Act, 1874.]

Abolition of certain offices in Court of Exchequer.

XLV. AND be it further enacted, that the several records, books, and other public documents of and concerning the duties and business of the said offices so abolished as aforesaid shall upon or immediately after the said tenth day of October be delivered by the several officers or persons having custody of the same into the hands and care of the King's remembrancer of the said Court of Exchequer, to be by him preserved and kept; subject nevertheless to such rules, orders, and regulations, as the lord chief baron and the other barons of the Court of Exchequer, and the lord high treasurer, or any three of the commissioners of his Majesty's Treasury, shall or may from time to time ordain or make touching the same. [Rep., Stat. Law Rev. Act, 1874.]

Records, &c. of abolished offices shall be transferred to the King's remembrancer.

XLVI. AND be it further enacted, that from and after the said tenth day of October all process and other proceedings, charges, discharges, estreats, matters,

Process and proceedings, &c. issued and



taken by abolished officers shall be henceforth issued and taken by King's remembrancer.

and things usually issued, done, had, received, filed, recorded, or taken by the officers whose offices are hereby abolished, or any of them, which shall from thenceforth be by law required or needful to be issued, done, had, received, filed, recorded, or taken, shall and may be issued, done, had, received, filed, recorded, and taken by his Majesty's remembrancer of the said Court of Exchequer, or by the officers in his office by and under his direction, according to the course and practice thereof, as fully and effectually to all intents, constructions, and purposes, as the same might or could have been issued, done, had, or taken by the said officers whose offices are hereby abolished before the passing of this Act; subject nevertheless to all such rules, orders, and regulations, as shall or may be made from time to time for regulating or discontinuing the same by the lord chief baron and the other barons of his Majesty's Court of Exchequer, and which they are hereby authorized to make and ordain accordingly :

Searches may be made and copies taken from records which shall be as available in evidence as heretofore.

XLVII. AND be it further enacted, that searches may be made, and copies or extracts of and from the said records, books, and documents shall and may be had and taken, at such times and in such manner and upon payment of such fees as the lord chief baron and the other barons of the said Court of Exchequer, together with the lord high treasurer or the commissioners of his Majesty's Treasury, shall or may direct; and all such copies or extracts signed and authenticated by his Majesty's remembrancer, or such other person or persons as shall or may be appointed by him for that purpose, shall be as available in evidence, and as valid and effectual, to all intents and purposes, as the same would by law have been if the same had been signed, authenticated, and given before the passing of this Act by the officers whose offices are hereby abolished, or any of them.

#### SCHEDULE to which this Act refers.

At the court at                      the                      day of                      present,  
the King's most excellent Majesty in council.

To A.B. of, et cetera.

WHEREAS his Majesty was this day pleased, by and with the advice of his privy council, to nominate and appoint you for and to be sheriff of the county of                      during his Majesty's pleasure: These are therefore to require you to take the custody and charge of the said county, and duly to perform the duties of sheriff thereof during his Majesty's pleasure; and whereof you are duly to answer according to law.

Dated this

By his Majesty's command,  
C.D.

## CHAPTER CIII.

AN ACT to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom. [29th August 1833.]

**W**HEREAS it is necessary that the hours of labour of children and young persons employed in mills and factories should be regulated, inasmuch as there are great numbers of children and young persons now employed in mills and factories, and their hours of labour are longer than is desirable, due regard being had to their health and means of education: [1] Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of January one thousand eight hundred and thirty-four no person under eighteen years of age shall be allowed to work in the night, (that is to say,) between the hours of half past eight o'clock in the evening and half past five o'clock in the morning, except as herein-after provided, in or about any cotton, woollen, worsted, hemp, flax, tow, linen, or silk mill or factory, wherein steam or water or any other mechanical power is or shall be used to propel or work the machinery in such mill or factory, either in scutching, carding, roving, spinning, piecing, twisting, winding, throwing, doubling, netting, making thread, dressing or weaving of cotton, wool, worsted, hemp, flax, tow, or silk, either separately or mixed, in any such mill or factory situate in any part of the United Kingdom of Great Britain and Ireland: . . . . .

Persons under 18 years of age not to work at night in certain mills or factories.

II. AND be it further enacted, that no person under the age of eighteen years shall be employed in any such mill or factory in such description of work as aforesaid more than twelve hours in any one day, nor more than sixty-nine hours in any one week, except as herein-after provided. [Rep., 37 & 38 Vict. c. 44. s. 21.]

Persons under 18 not to work more than 12 hours a day, &c.

[III.] PROVIDED always, and be it further enacted, that if at any time in any such mill, manufactory, or buildings situated upon any stream of water, time shall be lost in consequence of the want of a due supply or of an excess of water, or by reason of its being impounded in higher reservoirs, then and in every such case and so often as the same shall happen, it shall be lawful for the occupier of any such mill, manufactory, or building to extend the time of labour in this Act prescribed at the rate of three hours per week, until such lost time shall have been made good, but no longer, such time to be worked between the hours of five of the clock in the morning and nine of the clock in the evening: Provided also, that no time shall be recoverable after it has been lost six calendar months.

Extension of hours of working in case of time lost by want of a due supply of water, &c.

[V.] AND whereas during periods of drought and of floods the power of water-wheels on some streams is wholly interrupted, or so far diminished that the machinery or part or parts of the machinery dependant upon such power

[\* Rep., 7 & 8 Vict. c. 15. s. 73., as to so much as is inconsistent with that Act. So much of this Act as restricts or limits the hours of the employment or labour of young persons, rep., 13 & 14 Vict. c. 54. s. 1., save as therein mentioned.]

[\* Section 1, except so much thereof as defines "night," is rep., 37 & 38 Vict. c. 44. s. 21.]

[\* Sections 3 and 5 are rep., 37 & 38 Vict. c. 44. s. 21., so far as they relate to factories to which that Act applies.]

Extension of  
hours of work-  
ing for persons  
under 18 years  
of age in case  
of time lost by  
drought, &c.

cannot be regularly worked at one and the same time, and in consequence thereof a certain portion of the time of such persons as are employed in the working of such machinery may be lost in each day during such period of drought or floods: Be it therefore enacted, that it shall be lawful for the occupier of any mill, manufactory, or building, when time is so lost, then and in every such case and so often as the same shall happen, to extend the hours between which persons under eighteen years of age are herein-before allowed to work, (videlicet, from five of the clock in the morning till nine in the evening,) as herein-before limited, to such period as may in such case be necessary to prevent the loss of time, and no longer: Provided always, that no child or young person within the respective ages prescribed by this Act shall be actually employed a greater number of hours within the twenty-four hours of any one day than this Act declares to be lawful; and provided also, that no child under thirteen years of age shall be employed after the hour of nine of the clock in the evening nor before the hour of five in the morning.

Time for meals.

[VI.] AND be it further enacted, that there shall be allowed in the course of every day not less than one and a half hours for meals to every such person restricted as herein-before provided to the performance of twelve hours work daily.

\* \* \* \* \*

The employ-  
ment of chil-  
dren under  
11, 12, and 13  
years of age  
for more than  
nine hours a  
day, &c. pro-  
hibited.

VIII. AND be it further enacted, that from and after the expiration of six months after the passing of this Act it shall not be lawful for any person whatsoever to employ, keep, or allow to remain in any factory or mill as aforesaid for a longer time than forty-eight hours in any one week, nor for a longer time than nine hours in any one day, except as herein provided, any child who shall not have completed his or her eleventh year of age, or after the expiration of eighteen months from the passing of this Act any child who shall not have completed his or her twelfth year of age, or after the expiration of thirty months from the passing of this Act any child who shall not have completed his or her thirteenth year of age: Provided nevertheless, that in mills for the manufacture of silk children under the age of thirteen years shall be allowed to work ten hours in any one day. [Rep., 37 & 38 Vict. c. 44. s. 21.]

Holidays to be  
allowed to  
children and  
young persons.

IX. AND be it further enacted, that all children and young persons whose hours of work are regulated and limited by this Act shall be entitled to the following holydays; videlicet, on Christmas Day and Good Friday the entire day, and not fewer than eight half days besides in every year, such half days to be at such period or periods, together or separately, as may be most desirable and convenient, and as shall be determined on by the master of such children and young persons: Provided nevertheless, that in Scotland any other days may be substituted for Christmas Day and for Good Friday, both or either, as such master may determine.

\* \* \* \* \*

Children not to  
be employed  
without a cer-  
tificate as to  
strength and  
appearance.

XI. AND be it further enacted, that from and after the expiration of six months after the passing of this Act it shall not be lawful for any person to employ, keep, or allow to remain in any factory or mill any child who shall not have completed his or her eleventh year of age, without such certificate as is herein-after mentioned, certifying such child to be of the ordinary strength and appearance of a child of the age of nine years, nor from and after the expiration of eighteen months after the passing of this Act any child who shall not have completed his or her twelfth year of age, without a certificate of the same form, nor from and after the expiration of thirty months after the passing of this Act [Rep., 37 & 38 Vict. c. 44. s. 21.], any

[\* Section 6 is rep., 37 & 38 Vict. c. 44. s. 21., so far as it relates to factories to which that Act applies.]

child who shall not have completed his or her thirteenth year of age, without a certificate of the same form; which certificate shall be taken to be sufficient evidence of the ages respectively certified therein.

XII. AND be it further enacted, that for the purpose of obtaining the certificate herein-before required in the case of children under the age of eleven, twelve, or thirteen years respectively, the child shall personally appear before some surgeon or physician of the place or neighbourhood of its residence, and shall submit itself to his examination; and unless the surgeon or physician before whom the child has so appeared shall certify his having had a personal examination or inspection of such child, and also that such child is of the ordinary strength and appearance of children of or exceeding the age of nine years, and unless also such certificate shall within three months of its date be countersigned by some inspector or justice, or in that part of the United Kingdom called Scotland by some inspector or justice or burgh magistrate, such child shall not be employed in any factory or mill.

Mode of obtaining certificate from surgeon or physician.

XIII. AND be it further enacted, that the certificates herein-before required in the case of children under the age of eleven, twelve, or thirteen years respectively shall be in the form following:

Form of certificate of surgeon or physician.

‘[name and place of residence] surgeon [or physician] do hereby certify, that A.B. the son [or daughter] of [name and residence of parents, or, if no parents, then the residence of the child] has appeared before me, and submitted to my examination; and that the said [name] is of the ordinary strength and appearance [according to the fact] of a child of at least nine years of age [or if apparently above nine, say ‘exceeding.’] [Rep., 37 & 38 Vict. c. 44. s. 21.]’

XIV. AND be it further enacted, that from and after the commencement of the several periods herein-before appointed for restricting the employment of children under the ages of eleven, twelve, and thirteen years respectively, it shall not be lawful to employ, keep, or allow to remain in any factory or mill any person between the said ages respectively and the age of eighteen for more than nine hours in any day, nor between the hours of nine o'clock in the evening and five o'clock in the morning, without first requiring and receiving from such person a certificate in proof that such person is above the age of eleven, twelve, and thirteen respectively; which certificate, if a new certificate shall be required, shall be in such form as may be ordered by any inspector.

Children between 11 and 18 not to be employed in factories more than nine hours a day, or at night, without a certificate of age.

\* \* \* \* \*

XVI. AND be it further enacted, that in case any inspector or justice or burgh magistrate shall refuse to countersign any such certificate, he shall state in writing his reasons for such refusal, and the parents of such child may thereupon take the certificate to the justices of the peace at petty sessions for the place or district of the child's residence, who are hereby empowered and required to decide upon the validity of such refusal; and every such act of any such petty sessions shall be free of all charge, cost, or expence whatsoever.

Provision in case magistrates refuse to countersign certificate.

XVII. AND whereas by an Act, intituled “An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills and cotton and other factories,” passed in the forty-second year of the reign of his late Majesty George the Third, it was amongst other things provided, that the justices of the peace for every county or place in which such mill was situated should appoint yearly two persons not interested in or in any way connected with such mills or factories in such county to be visitors

42 Geo. 3. c. 73.

Inspectors to  
be appointed.

of such mills or factories, which visitors so appointed were empowered and required by the aforesaid Act to enter such factories at any time they might think fit, and examine and report in writing whether the same were conducted according to the laws of the realm, and also to direct the adoption of such sanitary regulations as they might, on advice, think proper: And whereas it appears that the provisions of the said Act with relation to the appointment of inspectors were not duly carried into execution, and that the laws for the regulation of the labour of children in factories have been evaded, partly in consequence of the want of the appointment of proper visitors or officers whose special duty it was to enforce their execution: Be it therefore enacted, that upon the passing of this Act it shall be lawful for his Majesty by warrant under his sign manual to appoint during his Majesty's pleasure four persons to be inspectors of factories and places where the labour of children and young persons under eighteen years of age is employed, and in the case of the death or dismissal of any of them to appoint another in the place of such deceased inspector, which said several inspectors shall carry into effect the powers, authorities, and provisions of the present Act; and such inspectors or any of them are hereby empowered to enter any factory or mill, and any school attached or belonging thereto, at all times and seasons, by day or by night, when such mills or factories are at work, and having so entered to examine therein the children and any other person or persons employed therein, and to make inquiry respecting their condition, employment, and education; and such inspectors or any of them are hereby empowered to take or call to their aid in such examination and inquiry such persons as they may choose, and to summon and require any person upon the spot or elsewhere to give evidence upon such examinations and inquiry, and to administer to such person an oath.

Registers, &c.  
to be open to  
inspectors, &c.

XVIII. AND be it further enacted, that . . . . . all registers books, entries, accounts, and papers kept in pursuance of this Act shall at all times be open to such inspectors, and such inspectors may take or cause to be taken for their own use such copy as they may think proper; . . . . .

Secretary of  
state may  
appoint per-  
sons to super-  
intend, under  
the inspector,  
the execution  
of this Act.

XIX. AND be it further enacted, that it shall be lawful for one of his Majesty's principal secretaries of state, if he shall see fit, upon the application of any inspector, to appoint any one or more persons to superintend, under the direction of any inspector, the execution of the provisions of this Act, and of all rules, regulations, and orders made under the authority thereof;

. . . . . \* \* \* \* \*

Punishment  
for forgery of  
certificates.

[XXVIII.] AND be it further enacted, that if any person shall give, sign, countersign, endorse, or in any manner give currency to any false certificate, knowing the same to be untrue, or if any person shall forge any certificate, or shall forge any signature or endorsement on any certificate, . . . . .

[\* So much of this Act as fixes any penalty or punishment for offences against this Act, and as relates to the procedure for convicting any person of any offence against this Act, and for levying or inflicting the penalty or punishment imposed, rep., 7 & 8 Vict. c. 15. s. 40.

Section 28, except so much thereof as relates to forgery, is rep., 37 & 38 Vict. c. 44. s. 21.]

such person shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any inspector or justice, be liable to be imprisoned for any period not exceeding two months in the house of correction in the county, town, or place where such offence was committed.

\* \* \* \* \*

XLV. AND be it further enacted, that every inspector shall keep full minutes of all his visits and proceedings, and shall report the same to one of his Majesty's principal secretaries of state twice in every year, and oftener if required, and shall also report the state and condition of the factories or mills and of the children employed therein, and whether such factories or mills are or are not conducted according to the directions of this Act and of the laws of the realm: And whereas it is expedient that the proceedings, rules, orders, and regulations of the several inspectors appointed under this Act should be as nearly alike as is practicable under all circumstances: Therefore such inspectors are hereby required, within three months next after they shall have commenced the execution of their several duties and powers under this Act, and twice at least in every year afterwards, to meet and confer together respecting their several proceedings, rules, orders, regulations, duties, and powers, under this Act, and at such meeting to make their proceedings, rules, orders, and regulations as uniform as is expedient and practicable; and such inspectors are hereby required to make and keep full minutes of such meetings, and to report the same to such secretary of state when they make the report herein-before required.

Inspectors to make annual reports.

Inspectors to meet and make their proceedings uniform.

\* \* \* \* \*

XLIX. AND be it further enacted, that any words in this Act denoting the masculine gender shall be construed to extend to persons of either sex, and any words denoting the singular number shall be construed to extend to any number of persons or things, if the subject matter or context shall admit of such an interpretation, unless such construction shall be in express opposition to any other enactment.

Construction of terms.

L. AND be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others.

Public Act.

\* \* \* \* \*

## CHAPTER CIV.

AN ACT to render Freehold and Copyhold Estates Assets for the Payment of Simple and Contract Debts. [29th August 1833.]

WHEREAS it is expedient that the payment of the debts of all persons should be secured more effectually than is done by the laws now in force: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, when any person shall die seised of or entitled to any estate or interest in lands, tenements, or hereditaments, corporeal or incorporeal, or other real estate, whether freehold, customaryhold, or copyhold, which he shall not by his last will have charged with or devised subject to the payment of his debts, the same shall be assets to be adminis-

Freehold and copyhold estates in all cases to be assets for the payment of simple contract and specialty debts.

tered in courts of equity for the payment of the just debts of such persons, as well debts due on simple contract as on specialty; and that the heir or heirs at law, customary heir or heirs, devisee or devisees of such debtor, shall be liable to all the same suits in equity at the suit of any of the creditors of such debtor, whether creditors by simple contract or by specialty, as the heir or heirs at law, devisee or devisees of any person or persons who died seised of freehold estates was or were before the passing of this Act liable to in respect of such freehold estates at the suit of creditors by specialty in which the heirs were bound: Provided always, that in the administration of assets by courts of equity under and by virtue of this Act all creditors by specialty in which the heirs are bound shall be paid the full amount of the debts due to them before any of the creditors by simple contract or by specialty in which the heirs are not bound shall be paid any part of their demands.

## CHAPTER CV.

AN ACT for the Amendment of the Law relating to Dower.

[29th August 1833.]

Meaning of the words in the Act:

"Land";

Words importing singular number.

Widows to be entitled to dower out of equitable estates of inheritance.

Seisin or possession shall not be necessary to give title to dower.

No dower out of estates disposed of by husband.

Priority to partial estates, charges, and debts.

**B**E it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the words and expressions herein-after mentioned, which in their ordinary signification have a more confined or a different meaning; shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "land" shall extend to manors, advowsons, messuages, and all other hereditaments, whether corporeal or incorporeal (except such as are not liable to dower), and to any share thereof; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

II. AND be it further enacted, that when a husband shall die, beneficially entitled to any land for an interest which shall not entitle his widow to dower out of the same at law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an estate of inheritance in possession or equal to an estate of inheritance in possession (other than an estate in jointenancy), then his widow shall be entitled in equity to dower out of the same land.

III. AND be it further enacted, that when a husband shall have been entitled to a right of entry or action in any land, and his widow would be entitled to dower out of the same if he had recovered possession thereof, she shall be entitled to dower out of the same although her husband shall not have recovered possession thereof; provided that such dower be sued for or obtained within the period during which such right of entry or action might be enforced.

IV. AND be it further enacted, that no widow shall be entitled to dower out of any land which shall have been absolutely disposed of by her husband in his lifetime, or by his will.

V. AND be it further enacted, that all partial estates and interests, and all charges created by any disposition or will of a husband, and all debts

incumbrances, contracts, and engagements to which his land shall be subject or liable, shall be valid and effectual as against the right of his widow to dower.

VI. AND be it further enacted, that a widow shall not be entitled to dower out of any land of her husband, when in the deed by which such land was conveyed to him, or by any deed executed by him, it shall be declared that his widow shall not be entitled to dower out of such land.

Dower may be barred by a declaration in a deed;

VII. AND be it further enacted, that a widow shall not be entitled to dower out of any land of which her husband shall die wholly or partially intestate when by the will of her husband, duly executed for the devise of freehold estates, he shall declare his intention that she shall not be entitled to dower out of such land, or out of any of his land.

or by a declaration in the husband's will.

VIII. AND be it further enacted, that the right of a widow to dower shall be subject to any conditions, restrictions, or directions, which shall be declared by the will of her husband, duly executed as aforesaid.

Dower shall be subject to restrictions in will.

IX. AND be it further enacted, that where a husband shall devise any land out of which his widow would be entitled to dower if the same were not so devised, or any estate or interest therein, to or for the benefit of his widow, such widow shall not be entitled to dower out of or in any land of her said husband, unless a contrary intention shall be declared by his will.

Devise of real estate to the widow shall bar her dower.

X. AND be it further enacted, that no gift or bequest made by any husband to or for the benefit of his widow of or out of his personal estate, or of or out of any of his land not liable to dower, shall defeat or prejudice her right to dower, unless a contrary intention shall be declared by his will.

Bequest of personal estate, &c. to the widow shall not bar her dower.

XI. PROVIDED always, and be it further enacted, that nothing in this Act contained shall prevent any court of equity from enforcing any covenant or agreement entered into by or on the part of any husband not to bar the right of his widow to dower out of his lands, or any of them.

Agreement not to bar dower may be enforced.

XII. AND be it further enacted, that nothing in this Act contained shall interfere with any rule of equity, or of any ecclesiastical court, by which legacies bequeathed to widows in satisfaction of dower are entitled to priority over other legacies.

Saving as to priority of legacies in satisfaction of dower.

XIII. AND be it further enacted, that no widow shall hereafter be entitled to dower ad ostium ecclesiæ, or dower ex assensu patris.

Certain dowers abolished.

XIV. AND be it further enacted, that this Act shall not extend to the dower of any widow who shall have been or shall be married on or before the first day of January one thousand eight hundred and thirty-four, and shall not give to any will, deed, contract, engagement, or charge executed, entered into, or created before the said first day of January one thousand eight hundred and thirty-four, the effect of defeating or prejudicing any right to dower.

Act not to affect persons married on or before 1st Jan. 1834, or instruments executed before 1st Jan. 1834.

## CHAPTER CVI.

AN ACT for the Amendment of the Law of Inheritance. [29th August 1833.]

**B**E it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the words and expressions herein-after mentioned, which in their ordinary signi-

Meaning of words in the Act :



"Land":

"The purchaser":

"Descent":

"Descendants":

"Person last entitled to land":

"Assurance":

Number and gender.

Descent shall always be traced from the purchaser, but the last owner shall be considered to be the purchaser, unless the contrary be proved.

Heir entitled under a will shall take as devisee, and a limitation to the grantor or his heirs shall create an estate by purchase.

fication have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "land" shall extend to manors, advowsons, messuages, and all other hereditaments, whether corporeal or incorporeal, and whether freehold or copyhold, or of any other tenure, and whether descendible according to the common law, or according to the custom of gavelkind or borough-English, or any other custom, and to money to be laid out in the purchase of land, and to chattels and other personal property transmissible to heirs, and also to any share of the same hereditaments and properties or any of them, and to any estate of inheritance, or estate for any life or lives, or other estate transmissible to heirs, and to any possibility, right, or title of entry or action, and any other interest capable of being inherited, and whether the same estates, possibilities, rights, titles, and interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "the purchaser" shall mean the person who last acquired the land otherwise than by descent, or than by any escheat, partition, or inclosure, by the effect of which the land shall have become part of or descendible in the same manner as other land acquired by descent; and the word "descent" shall mean the title to inherit land by reason of consanguinity, as well where the heir shall be an ancestor or collateral relation, as where he shall be a child or other issue; and the expression "descendants" of any ancestor shall extend to all persons who must trace their descent through such ancestor; and the expression "the person last entitled to land" shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the rents and profits thereof; and the word "assurance" shall mean any deed or instrument (other than a will) by which any land shall be conveyed or transferred at law or in equity; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. AND be it further enacted, that in every case descent shall be traced from the purchaser; and to the intent that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the land shall, for the purposes of this Act, be considered to have been the purchaser thereof unless it shall be proved that he inherited the same, in which case the person from whom he inherited the same shall be considered to have been the purchaser unless it shall be proved that he inherited the same; and in like manner the last person from whom the land shall be proved to have been inherited shall in every case be considered to have been the purchaser, unless it shall be proved that he inherited the same.

III. AND be it further enacted, that when any land shall have been devised by any testator who shall die after the thirty-first day of December one thousand eight hundred and thirty-three, to the heir or to the person who shall be the heir of such testator, such heir shall be considered to have acquired the land as a devisee, and not by descent; and when any land shall have been limited, by any assurance executed after the said thirty-first day of December one thousand eight hundred and thirty-three, to the person or to

the heirs of the person who shall thereby have conveyed the same land, such person shall be considered to have acquired the same as a purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former estate or part thereof.

IV. AND be it further enacted, that when any person shall have acquired any land by purchase under a limitation to the heirs or to the heirs of the body of any of his ancestors, contained in an assurance executed after the said thirty-first day of December one thousand eight hundred and thirty-three, or under a limitation to the heirs or to the heirs of the body of any of his ancestors, or under any limitation having the same effect contained in a will of any testator who shall depart this life after the said thirty-first day of December one thousand eight hundred and thirty-three, then and in any of such cases such land shall descend and the descent thereof shall be traced as if the ancestor named in such limitation had been the purchaser of such land.

Where heirs take by purchase under limitations to the heirs of their ancestor, the land shall descend as if the ancestor had been the purchaser.

V.. AND be it further enacted, that no brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the parent.

Brothers, &c. shall trace descent through their parent.

VI. AND be it further enacted, that every lineal ancestor shall be capable of being heir to any of his issue; and in every case where there shall be no issue of the purchaser, his nearest lineal ancestor shall be his heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal ancestor or in consequence of there being no descendant of such lineal ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal ancestor to any of his issue, other than a nearer lineal ancestor or his issue.

Lineal ancestor shall be heir in preference to collateral persons claiming through him.

VII. AND be it further enacted and declared, that none of the maternal ancestors of the person from whom the descent is to be traced, nor any of their descendants, shall be capable of inheriting until all his paternal ancestors and their descendants shall have failed; and also that no female paternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male paternal ancestors and their descendants shall have failed; and that no female maternal ancestor of such person, nor any of her descendants shall be capable of inheriting until all his male maternal ancestors and their descendants shall have failed.

The male line to be preferred.

VIII. AND be it further enacted and declared, that where there shall be a failure of male paternal ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male paternal ancestor, or her descendants, shall be the heir or heirs of such person in preference to the mother of a less remote male paternal ancestor, or her descendants; and where there shall be a failure of male maternal ancestors of such person, and their descendants, the mother of his more remote male maternal ancestor, and her descendants, shall be the heir or heirs of such person in preference to the mother of a less remote male maternal ancestor, and her descendants.

The mother of more remote male ancestor to be preferred to the mother of the less remote male ancestor.

IX. AND be it further enacted, that any person related to the person from whom the descent is to be traced by the half blood shall be capable of being

Half blood, if on the part of a male ancestor,

to inherit after the whole blood of the same degree ; if on the part of a female ancestor, after her.

his heir ; and the place in which any such relation by the half blood shall stand in the order of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole blood, and his issue, where the common ancestor shall be a male, and next after the common ancestor where such common ancestor shall be a female, so that the brother of the half blood on the part of the father shall inherit next after the sisters of the whole blood on the part of the father and their issue, and the brother of the half blood on the part of the mother shall inherit next after the mother.

After the death of a person attainted, his descendants may inherit.

X. AND be it further enacted, that when the person from whom the descent of any land is to be traced shall have had any relation who, having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such land who would have been capable of inheriting the same by tracing his descent through such relation, if he had not been attainted, unless such land shall have escheated in consequence of such attainder before the first day of January one thousand eight hundred and thirty-four.

Act not to extend to any descent before 1st Jan. 1834.

XI. AND be it further enacted, that this Act shall not extend to any descent which shall take place on the death of any person who shall die before the said first day of January one thousand eight hundred and thirty-four.

Limitations made before 1st Jan. 1834, to the heirs of a person then living, shall take effect as if the Act had not been made.

XII. AND be it further enacted, that where any assurance executed before the said first day of January one thousand eight hundred and thirty-four, or the will of any person who shall die before the same first day of January one thousand eight hundred and thirty-four, shall contain any limitation or gift to the heir or heirs of any person, under which the person or persons answering the description of heir shall be entitled to an estate by purchase, then the person or persons who would have answered such description of heir if this Act had not been made shall become entitled by virtue of such limitation or gift, whether the person named as ancestor shall or shall not be living on or after the said first day of January one thousand eight hundred and thirty-four.

## 4 &amp; 5 WILLIAM IV. A.D. 1834.

## STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-NINTH DAY OF  
JANUARY, A.D. 1833,

IN THE THIRD YEAR OF THE REIGN OF KING WILLIAM THE FOURTH,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
FOURTH DAY OF FEBRUARY, A.D. 1834,

BEING THE SECOND SESSION OF THE ELEVENTH PARLIAMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND IRELAND.

## CHAPTER XI.

AN ACT for continuing to His Majesty until the Fifth Day of July One thousand eight hundred and thirty-five certain Duties on Offices and Pensions, for the Service of the Year One thousand eight hundred and thirty-four; and to appropriate any Sums arising from the Redemption of the Land Tax. [26th March 1834.]

\* \* \* \* \*

V. AND whereas an Act passed in the forty-second year of the reign of his late Majesty King George the Third, intituled "An Act for consolidating the provisions of the several Acts passed for the redemption and sale of the land tax into one Act, and for making further provision for the redemption and sale thereof, and for removing doubts respecting the right of persons claiming to vote at elections for knights of the shire and other members to serve in Parliament, in respect of messuages, lands, or tenements the land tax upon which shall have been redeemed or purchased," whereby it is enacted, that the sums to be paid by way of interest on the contracts for the redemption of the land tax by the transfer of stock or payment of money by instalments shall be paid into the receipt of his Majesty's Exchequer, and shall be applicable to such uses and purposes as shall have been or shall be voted by the Commons in Parliament: Be it enacted, that after the passing of this Act the sums so paid into the receipt of his Majesty's Exchequer shall be placed to the account of the consolidated fund of the United Kingdom of Great Britain and Ireland.

Recital of  
42 Geo. 3.  
c. 116. s. 29.

Sums paid into  
Exchequer for  
interest on  
contracts for  
redemption of  
land tax, under  
recited Act,  
shall be  
placed to  
account of  
consolidated  
fund.

\* \* \* \* \*

## CHAPTER XVI.

AN ACT to abolish the Office of Recorder of the Great Roll or Clerk of the Pipe in the Exchequer in Scotland. [22d May 1834.]

WHEREAS by an Act passed in the sixth year of the reign of Queen Anne, intituled "An Act for settling and establishing a Court of Exchequer in the north part of Great Britain called Scotland," the office of recorder of the great roll or clerk of the pipe was established in Scotland in

2 & 3 Will. 4.  
c. 103.

2 & 3 Will. 4.  
c. 112.

Office of re-  
corder of the  
great roll in  
the Exchequer  
in Scotland  
abolished.

Powers of  
recorder of the  
great roll  
vested in lord  
treasurer's  
remembrancer.

like manner as that and other offices were then established in the Court of Exchequer in England: And whereas by an Act passed in the second and third years of the reign of his present Majesty, intituled "An Act to provide for the examination and audit of the customs and excise revenues in Scotland," it was provided that the accounts of revenue of excise in Scotland should be controlled and audited with the accounts of the excise revenue in England; and further, that the accounts of the revenue of customs in Scotland should be audited in the same manner as the accounts of revenue arising in England are directed by law to be audited: And whereas by an Act passed in the second and third years of the reign of his present Majesty, intituled "An Act to authorize the hereditary land revenues of the crown in Scotland being placed under the management of the commissioners of the land revenues," the accounts relating to such revenues theretofore audited in Scotland are directed to be transferred to the said commissioners, and audited in the same manner as the other revenues under their management: And whereas by the said Acts a great part of the business of the office of recorder of the great roll or clerk of the pipe in Scotland has been transferred, together with the auditing the accounts, to offices in England: And whereas John Archibald Murray esquire, the present recorder of the great roll or clerk of the pipe in Scotland, who has a life interest therein, has signified his desire to surrender his interest in the said office without compensation: And whereas it is expedient that the said office should be abolished, and other provisions made for the discharge of the duties thereof: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of January one thousand eight hundred and thirty-five the office of recorder of the great roll or clerk of the pipe in the Exchequer in Scotland shall cease and determine, together with all salary, fees, or other emoluments theretofore receivable in respect thereof. [Rep., Stat. Law Rev. Act, 1874.]

II. AND be it further enacted, that the powers and authorities now vested by law in the recorder of the great roll or clerk of the pipe in Scotland shall, from and after the fifth day of January one thousand eight hundred and thirty-five, be transferred and be vested in the lord treasurer's remembrancer of the Exchequer of Scotland for the time being, who is hereby required, from and upon that day, to perform all such duties as are now performed by the recorder of the great roll or clerk of the pipe.

\* \* \* \* \*

## CHAPTER XIX.

AN ACT to repeal certain Duties on Inhabited Dwelling Houses.

[16th June 1834.]

48 Geo. 3.  
c. 55.

WHEREAS by an Act passed in the forty-eighth year of the reign of King George the Third, intituled "An Act for repealing the duties of assessed taxes, and granting new duties in lieu thereof, and certain additional duties to be consolidated therewith and also for repealing the stamp duties on game certificates, and granting new duties in lieu thereof, to be placed under the management of the commissioners for the affairs of taxes," certain duties of one shilling and sixpence, two shillings and three-pence, and two shillings and ten-pence in the pound respectively were granted and made payable yearly on all inhabited dwelling houses throughout Great Britain according to the value thereof as specified in schedule (B.) to the said Act annexed: And whereas by an Act passed in the third and fourth years of the reign of his present

Majesty, intituled "An Act to reduce certain of the duties on dwelling houses, and to repeal other duties of assessed taxes," certain reduced duties were granted and made payable on inhabited dwelling houses, in certain cases in the said last-recited Act specified, in lieu of the duties so as aforesaid granted and made payable by the said Act of the forty-eighth year of King George the Third: And whereas it is expedient to repeal the said duties on inhabited dwelling houses: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the fifth day of April one thousand eight hundred and thirty-four the said duties so as aforesaid granted and made payable on inhabited dwelling houses, and all compositions in lieu of the said duties shall cease and determine, and the same are hereby repealed, so far as relates to any assessment of the duties of assessed taxes, or of compositions in lieu thereof, to be made for any year commencing from or after the said fifth day of April one thousand eight hundred and thirty-four. [Rep., Stat. Law Rev. Act, 1874.]

3 & 4 Will. 4.  
c. 39.

Duties on  
inhabited  
houses re-  
pealed from  
5th April 1834.

III. AND be it enacted, that where under or by virtue of any Act or Acts in force, in order to qualify or entitle any person to vote at the election of any commissioner or commissioners, or as a qualification for any other purpose, it is required that such person shall occupy a dwelling house assessed to the said duties on inhabited dwelling houses at a certain rent or value, it shall be sufficient to entitle any such person to vote on any such occasion, and it shall be deemed to be a sufficient qualification, or for any such purpose as aforesaid, if such person shall occupy a dwelling house which shall be bonâ fide of the rent or value specified or required in or by any such Act or Acts as aforesaid, without reference to any assessment of the said duties hereby repealed, provided such person shall be in other respects duly qualified for any such purpose as aforesaid; and in case of dispute such rent or value shall be ascertained and determined according to the rules and directions contained in the said schedule (B.) annexed to the said recited Act of the forty-eighth year of King George the Third.

Qualifications  
conferred by  
occupation of  
houses assessed  
to house duties  
shall be con-  
ferred by occu-  
pation of houses  
of the rent or  
value specified  
in recited Acts.

In case of dis-  
pute, value to  
be determined  
according  
to rules in  
48 Geo. 3.  
c. 55. schedule  
(B.).

## CHAPTER XXI.

AN ACT for amending certain Provisions of an Act of the Thirty-sixth of George the Third, for regulating the buying and selling of Hay and Straw. [16th June 1834.]

WHEREAS by an Act passed in the thirty-sixth year of the reign of his late Majesty King George the Third, intituled "An Act to regulate the buying and selling of hay and straw, and for repealing so much of two Acts, made in the second year of the reign of King William and Queen Mary, and in the thirty-first year of the reign of King George the Second, as relate to the buying and selling of hay and straw within the limits therein mentioned," it is amongst other things enacted, that the markets for sale of hay and straw within the cities and limits aforesaid shall end at three of the clock in the afternoon of every market day between Lady Day and Michaelmas, and at two of the clock in the afternoon of every market day between Michaelmas and Lady Day, and that notices thereof shall be given by the clerk or toll gatherer, or his deputy, in the several markets or places for the sale of hay and straw within the cities and limits aforesaid, by ringing, on the usual market days, a large hand bell round each respective market or place for the sale of

36 Geo. 3.  
c. 88.

hay or straw, one hour before the expiration of the times above mentioned, and again at the expiration of the hours above mentioned, on pain of forfeiting for every such offence a sum of money not exceeding ten shillings nor less than five shillings; and every person who shall sell any hay or straw in any market within the cities or limits aforesaid after the hours aforesaid shall forfeit for every bundle or truss of hay so sold the sum of sixpence, and for every bundle or truss of straw so sold the sum of three-pence; and it is also by the same Act further enacted, that if any person having the care or direction of any waggon, wain, or cart used for the purpose of bringing hay or straw shall suffer the same to remain in any market or place for the sale of hay and straw within the cities and limits aforesaid, on the usual market days from Lady Day to Michaelmas after five of the clock in the afternoon, and from Michaelmas to Lady Day after three of the clock in the afternoon, in any year, every person so offending, shall forfeit for every such waggon, wain, or cart so left as aforesaid a sum of money not exceeding twenty shillings nor less than five shillings: And whereas the said recited provisions were well calculated to prevent obstructions and inconvenience to the public in markets held for the sale of hay and straw in open or public streets or thoroughfares, but the same are unnecessary, and may become vexatious and oppressive, in other markets, and ought therefore to be partially repealed: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the several provisions of the said Act of the thirty-sixth year of the reign of King George the Third, chapter eighty-eight, which are herein-before recited, shall be and the same are hereby repealed, so far as regards any market for the sale of hay, straw, and clover through which there does not exist by law any public right of way for carts and carriages; and that upon any complaint made or information laid for the recovery of penalties upon breach of any of the said recited provisions of the said Act it shall be incumbent upon the party suing for such penalty to shew by evidence that there does exist such public right of way for carts and carriages through the market in which the offence shall be charged to have been committed.

Recited provisions of 36 Geo. 3. c. 88. repealed as to certain markets.

## CHAPTER XXII.

AN ACT to amend an Act of the Eleventh Year of King George the Second, respecting the Apportionment of Rents, Annuities, and other periodical Payments. [16th June 1834.]

Recital of 11 Geo. 2. c. 19.

WHEREAS by an Act passed in the eleventh year of the reign of his Majesty King George the Second, intituled "An Act for the more effectual securing the payment of rents, and preventing frauds by tenants," it was enacted, that where any tenant for life should happen to die before or on the day on which any rent was reserved or made payable upon any demise or lease of any lands, tenements, or hereditaments which determined on the death of such tenant for life, the executors or administrators of such tenant for life should and might, in an action on the case, recover of and from such undertenant or undertenants of such lands, tenements, or hereditaments, if such tenant for life die on the day on which the same was made payable the whole,

or if before such day then a proportion of such rent according to the time such tenant for life lived of the last year or quarter of a year or other time in which the said rent was growing due as aforesaid, making all just allowances, or a proportionable part thereof respectively: And whereas doubts have been entertained whether the provisions of the said Act apply to every case in which the interests of tenants determine on the death of the person by whom such interests have been created, and on the death of any life or lives for which such person was entitled to the lands demised, although every such case is within the mischief intended to have been remedied and prevented by the said Act; and it is therefore desirable that such doubts should be removed by a declaratory law: And whereas, by law, rents, annuities, and other payments due at fixed or stated periods are not apportionable (unless express provision be made for the purpose), from which it often happens that persons (and their representatives), whose income is wholly or principally derived from these sources, by the determination thereof before the period of payment arrives are deprived of means to satisfy just demands, and other evils arise from such rents, annuities, and other payments not being apportionable, which evils require remedy: Be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that rents reserved and made payable on any demise or lease of lands, tenements, or hereditaments which have been and shall be made, and which leases or demises determined or shall determine on the death of the person making the same (although such person was not strictly tenant for life thereof), or on the death of the life or lives for which such person was entitled to such hereditaments, shall, so far as respects the rents reserved by such leases, and the recovery of a proportion thereof by the person granting the same, his or her executors or administrators (as the case may be), be considered as within the provisions of the said recited Act.

Rents reserved on leases determining on the death of the person making them (though not strictly tenant for life), &c. shall be considered as within the provisions of recited Act.

[II.\*] AND be it further enacted, that from and after the passing of this Act all rents service reserved on any lease by a tenant in fee or for any life interest, or by any lease granted under any power (and which leases shall have been granted after the passing of this Act), and all rents charge and other rents, annuities, pensions, dividends, moduses, compositions, and all other payments of every description, in the United Kingdom of Great Britain and Ireland, made payable or coming due at fixed periods under any instrument that shall be executed after the passing of this Act, or (being a will or testamentary instrument) that shall come into operation after the passing of this Act, shall be apportioned so and in such manner that on the death of any person interested in any such rents, annuities, pensions, dividends, moduses, compositions, or other payments as aforesaid, or in the estate, fund, office, or benefice, from or in respect of which the same shall be issuing or derived, or on the determination by any other means whatsoever of the interest of any such person, he or she, and his or her executors, administrators, or assigns, shall be entitled to a proportion of such rents, annuities, pensions, dividends, moduses, compositions, and other payments, according to the time which shall have

All rents, annuities, and other payments coming due at fixed periods shall be apportioned;

[\* Section 2 is rep., so far as the same refers to the relation of landlord and tenant in Ireland, but not otherwise, 23 & 24 Vict. c. 154. s. 104.]



subject to all just deductions.

Remedies for recovering the apportioned parts.

elapsed from the commencement or last period of payment thereof respectively (as the case may be), including the day of the death of such person, or of the determination of his or her interest, all just allowances and deductions in respect of charges on such rents, annuities, pensions, dividends, moduses, compositions, and other payments being made; and that every such person, his or her executors, administrators, and assigns, shall have such and the same remedies at law and in equity for recovering such apportioned parts of the said rents, annuities, pensions, dividends, moduses, compositions, and other payments, when the entire portion of which such apportioned parts shall form part shall become due and payable, and not before, as he, she, or they would have had for recovering and obtaining such entire rents, annuities, pensions, dividends, moduses, compositions, and other payments if entitled thereto; but so that persons liable to pay rents reserved by any lease or demise, and the lands, tenements, and hereditaments comprised therein, shall not be resorted to for such apportioned parts specifically as aforesaid, but the entire rents of which such portions shall form a part shall be received and recovered by the person or persons who if this Act had not passed would have been entitled to such entire rents; and such portions shall be recoverable from such person or persons by the parties entitled to the same under this Act in any action or suit at law or in equity.

Act not to apply where the contrary is stipulated, nor to annual sums payable on policies of assurance.

[III.] PROVIDED always, and be it enacted, that the provisions herein contained shall not apply to any case in which it shall be expressly stipulated that no apportionment shall take place, or to annual sums made payable in policies of assurance of any description.

#### CHAPTER XXIV.

AN ACT to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service. [25th July 1834.]

57 Geo. 3. c. 65.

6 Geo. 4. c. 90.

Pensions to the first lord of the Treasury, secretaries of state, chancellor of the Exchequer,

WHEREAS by an Act passed in the fifty-seventh year of the reign of his late Majesty King George the Third, to enable his Majesty to recompense the services of persons holding or who have held certain high and efficient civil offices, his Majesty is empowered to grant pensions, as therein provided, to persons who shall have served his Majesty, his heirs or successors, in the offices therein mentioned: And whereas by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, for amending the said recited Act, it is enacted, that the several other offices therein particularly described shall be deemed to be comprised in the several classes of offices in the said recited Act respectively specified: And whereas it is expedient that the amount of the pensions by the said two Acts authorized to be granted should as to future pensions be reduced, and the conditions under which the same shall be granted be altered and regulated: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no pension to be granted to any person in respect of his having served in any one or more of the offices of first lord of the Treasury, or of one of his Majesty's principal secretaries of state, or chancellor of the Exchequer, or first lord of the Admiralty, or president of the board of commissioners for the affairs of India, or president of the committee of council appointed for the consideration of matters relating to trade and foreign plantations, shall exceed the

[\* Section 3 is rep., so far as the same refers to the relation of landlord and tenant in Ireland, but not otherwise, 23 & 24 Vict. c. 154. s. 104.]

sum of two thousand pounds per annum; nor shall any such pension be granted to any person unless he shall have held one or more of the said offices for a period of not less than two years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than four such pensions hereafter to be granted be existing or in force at the same time. [Rep., with savings, 32 & 33 Vict. c. 60. s. 9.]

II. AND be it further enacted, that from and after the passing of this Act no pension to be granted to any person in respect of his having served in either or both of the offices of chief secretary for Ireland or secretary at war shall exceed the sum of one thousand four hundred pounds per annum; nor shall any such pension be granted to any person unless he shall have held one or both of the said offices for a period of not less than five years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than two such last-mentioned pensions be existing or in force at the same time. [Rep., with savings, 32 & 33 Vict. c. 60. s. 9.]

III. AND be it further enacted, that from and after the passing of this Act no pension to be granted to any person in respect of his having served in any one or more of the offices of one of the joint secretaries of the Treasury, or first secretary of the Admiralty, or vice president of the committee of commissioners appointed for the consideration of matters relating to trade and foreign plantations, shall exceed the sum of twelve hundred pounds per annum; nor shall any such pension be granted to any person unless he shall have held one or more of the said offices for a period of not less than five years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than four such last-mentioned pensions be existing or in force at the same time. [Rep., with savings, 32 & 33 Vict. c. 60. s. 9.]

IV. AND be it further enacted, that from and after the passing of this Act the pension, not exceeding one thousand pounds, authorized by the said recited Act to be granted to any person in respect of his having served in any one or more of the offices of one of the under secretaries of state, or clerk of the ordnance, or second secretary of the Admiralty, or one of the secretaries of the board of commissioners for the affairs of India, shall not be granted to any such person unless he shall have held one or more of the said offices for a period of not less than ten years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than six such last-mentioned pensions be existing or in force at the same time. [Rep., with savings, 32 & 33 Vict. c. 60. s. 9.]

V. PROVIDED always, and be it enacted, that in case it shall happen that any person shall have served his Majesty, his heirs or successors, in more than one class of offices herein-before specified, in respect whereof any pension less than two thousand pounds may be granted, it shall be lawful to grant, under the regulations aforesaid, to such person, any pension annexed to the highest class of office in which such person may have been employed, whenever the whole period of the service of such person in the several offices in which he shall have been employed shall amount to ten years, although the period of the service of such person in such highest class shall not have extended to the period of five years: Provided always, that such person shall have served in such highest class for the period of not less than three years; and in cases in which the service of any such person in any class of those offices shall not be sufficient to entitle him to the pension of that class, it shall be lawful to grant him a pension not exceeding one thousand pounds, provided the period of his aggregate services in that and any inferior class or classes or department of the public service shall amount to ten years: Provided also, that there shall not be more than the aforesaid number of pensions to that amount existing at the same time. [Rep., with savings, 32 & 33 Vict. c. 60. s. 9.]

VI. AND whereas the principle of the regulations for granting allowances of this nature is and ought to be founded on a consideration, not only of the services performed by the individual to the state, but of the inadequacy of his private fortune to maintain his station in life: Be it therefore enacted, that from and after the passing of this Act, whenever any person shall seek to obtain any one of the pensions before mentioned, his application for that purpose shall be made in writing to the commissioners of his Majesty's Treasury, to which he shall subscribe his name, and which shall contain not only a statement of the services performed by him, and the grounds on which such pension is claimed, but a specific declaration that the amount

first lord of the Admiralty, president of the India Board, president of the Board of Trade;

to chief secretary of Ireland, secretary at war;

to joint secretaries of the Treasury, first secretary of the Admiralty, vice president of Board of Trade;

to under secretaries of state, clerk of the ordnance, second secretary of the Admiralty, secretaries of India Board.

Regulation as to period of service.

Declaration to be made by persons claiming pensions for political services.

of his income from other sources is so limited as to bring him within the intent and meaning of this Act and the principle herein-above declared ; and without such declaration no pension as herein-before provided or authorized shall be granted.

\* \* \* \* \*

Superannuation allowances to persons who entered the public service before 5th Aug. 1829.

IX. AND be it further enacted, that from and after the passing of this Act the superannuation allowances to be granted to such officers and clerks who shall have entered the public service prior to the fifth day of August one thousand eight hundred and twenty-nine (except only as herein-after is authorized) shall not exceed the following proportions with reference to the amount of their salaries and the periods of their services respectively ; (videlicet,)

To an officer, clerk, or person who shall have served ten years and upwards, and under fifteen years, any annual allowance not exceeding in amount four twelfths of the annual salary and emoluments of his office :

For fifteen years and upwards, and under twenty years, not exceeding five twelfths of such salary and emoluments :

For twenty years and upwards, and under twenty-five years, not exceeding six twelfths of such salary and emoluments :

For twenty-five years and upwards, and under thirty years, not exceeding seven twelfths of such salary and emoluments :

For thirty years and upwards, and under thirty-five years, not exceeding eight twelfths of such salary and emoluments :

For thirty-five years and upwards, and under forty years, not exceeding nine twelfths of such salary and emoluments :

For forty years and upwards, and under forty-five years, not exceeding ten twelfths of such salary and emoluments :

For forty-five years and upwards, and under fifty years, not exceeding eleven twelfths of such salary and emoluments :

And for fifty years or upwards, any annual allowance not exceeding the net amount of the salary and emoluments of his office.

\* \* \* \* \*

Allowances to be calculated on average amount of salary received for the three years before superannuation.

XII. PROVIDED always, and be it further enacted, that the superannuation allowance to be granted to any officer or person after the passing of this Act shall not be computed upon the amount of the salary enjoyed by him at the time of his retirement, unless he shall have been in the receipt of the same, or in the class from which he retires, for a period of at least three years immediately before the granting of such superannuation allowance ; and in case he shall not have enjoyed his then existing salary or have been in such class for that period, such superannuation allowance shall be calculated upon the average amount of salary received by such person for three years next preceding the commencement of such allowance.

\* \* \* \* \*

Compensation or superannuation allowances to half-pay military and naval officers for civil services not to exceed, with half-pay, two thirds of salary, except in special cases.

XVI. AND be it further enacted, that no compensation hereafter to be made or superannuation allowance to be granted in respect of civil services to any person entitled to half pay in the army, ordnance, navy, or marines, who shall have been appointed to the civil service subsequently to the fourth day of August one thousand eight hundred and twenty-nine, shall in any case, except as in this Act is specially provided, exceed in the whole (computing his half pay in such compensation or allowance) the amount of two-thirds of the salary

and emoluments of the office relinquished by him: Provided always, that nothing in this Act contained shall extend or be construed to extend to entitle any superintendent of a dock yard or other establishment in the civil department of the navy, who shall have held any civil appointment prior to the fifth day of August one thousand eight hundred and twenty-nine, to any superannuation allowance under this Act beyond the amount stipulated by the terms on which he shall have accepted the office of superintendent, or the amount established by any order of his Majesty in council concerning superintendents.

XVII. PROVIDED always, and be it further enacted, that in any case in which it shall appear to the commissioners of his Majesty's Treasury that any special circumstances afford to any officer or clerk in the several offices or departments mentioned in the schedule to this Act, or in the addition authorized to be made thereto, who is not within the exceptions therein contained, a just claim to an amount of superannuation allowance not authorized by this Act, or exceeding the amount therein specified with reference to the length of his service, it shall be lawful for the commissioners of his Majesty's Treasury to grant or give authority for granting any special superannuation which such officer or clerk shall appear to them to deserve; but in every such case the grounds on which such special superannuation shall be granted or authorized shall be stated in the grant thereof, or in the authority for granting the same, and also entered in the minutes of the Treasury, and shall likewise be laid before Parliament within one month after the fifth day of January in each year, if Parliament be sitting during that period, or if not, then within one month after the ensuing meeting of Parliament. [Rep., 22 Vict. c. 26. s. 1.]

Special allowances may be made in special cases.

The grounds for the grant to be stated and laid before Parliament.

XVIII. AND be it further enacted, that no compensation for any office abolished, nor any special allowance or remuneration for good services to any person holding or having held any civil office in any public department, shall be charged upon the incidents or any other fund of any such department; and that no such compensation, nor any allowance or compensation in the nature of superannuation or retired allowance or reward to any such person in respect of his having held any public office or employment, or having been engaged in any public service, shall be granted, allowed, or paid, other than under the authority of an order of his Majesty in council, or by the commissioners of his Majesty's Treasury or any three or more of them.

No compensation on abolition of office, or special allowance, to be charged upon the funds of any department; and no compensation or superannuation allowance to be granted except by order of his Majesty in council.

XIX. AND be it further enacted and provided, that every person to whom any compensation or allowance, in consequence of the abolition or reduction of office, shall hereafter be granted, shall at all times, when called upon, be liable to fill, in any part of his Majesty's dominions in which he shall have already served, any public office or situation under the crown for which his previous public services may render him eligible; and that if he shall decline, when called upon so to do, to take upon himself such office or situation, and execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to any compensation or allowance which may have been granted to him in respect of any former services. [Rep., 22 Vict. c. 26. s. 1.]

All persons who have retired on abolition of office shall be liable to take office when called upon, and shall forfeit compensation on refusal.

XX. PROVIDED always, and be it further enacted, that in case any person enjoying any superannuation allowance in consequence of retiring from office on account of age, infirmity, or any other cause, or enjoying any compensation for past services upon the abolition or reduction of office, shall be appointed to fill any office in any public department, every such allowance or compensation shall cease to be paid for any period subsequent to such appointment if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office then no more of such super-

Superannuation allowance to be suspended or reduced during receipt of salary for efficient services.

annuation allowance or compensation shall be paid to him than what with the salary of his new appointment shall be equal to that of his former office.

Act not to extend to military or naval half pay, &c. except as herein-after provided.

XXI. PROVIDED always, and be it further enacted, that nothing herein contained with respect to compensation, superannuation, or allowance for civil services, shall extend or be construed to extend to any military or naval half pay, or allowance in lieu of half pay, or to any military or naval allowance or pensions granted or to be granted under the regulations of any order of his Majesty in council, in any of the respective departments of the commissioners of the Admiralty, the secretary at war, and the master general of the ordnance, except as herein-after is provided with respect to the same.

Account of public offices, salaries, pensions and allowances, and of increase and diminution thereof, to be annually laid before Parliament.

XXII. AND be it further enacted, that between the first day of February and the twenty-fifth day of March in every year, or if Parliament shall not be sitting during any part of that period, then within twenty days after the next meeting of Parliament, there shall be laid before both Houses of Parliament an account of every increase and diminution which shall have taken place within the preceding year, ending on the thirty-first day of December, in the number of persons employed in all public offices or departments under the crown, and in the salaries, emoluments, allowances, and expenses which shall have taken place or been paid, granted, received, or incurred for and in respect of all officers and persons belonging to or employed in all such public offices or departments, specifying the amount and nature thereof, and distinguishing every increase and diminution in the amount of all allowances or compensations granted as retired allowances or superannuations to any person having held any office, place, or employment in any such public office or department, and also the time and length of service of every such person, and the amount of the salary and emoluments received by such person immediately preceding his superannuation or retirement, and the nature of his services, and the grounds upon which such increase or diminution in the establishment of every such public office or department, or of any such salary, emolument, allowance, compensation, or superannuation, shall have been granted or made; and also specifying the name of every person receiving such allowance or compensation who may have died in the course of the year, together with the amount of the annual allowance payable to such person.

Accounts of compensations and superannuation allowances to be laid before House of Commons annually.

XXIII. PROVIDED always, and be it further enacted, that accounts of all compensations for offices abolished, and of all allowances in the nature of superannuation or retired allowances to all other persons in respect of their having held any public office or employment under the crown, shall annually, at the period lastly provided, be laid before the Commons House of Parliament.

\* \* \* \* \*

Half pay and military and naval pensions to be laid before Parliament in separate estimates.

XXV. PROVIDED always, and be it further enacted, that all half pay and allowances in lieu of half pay in the several departments of the army, ordnance, navy, and marines, and all military and naval allowances or pensions granted or which shall be granted in any of such departments under the authority of any order in council, shall be annually laid before the Commons House of Parliament, in separate estimates, at the same time with the ordinary estimates of those respective departments, and shall be kept distinct from all pensions, compensations, superannuation and retired allowances in any of the civil offices of those departments respectively.

XXVI. AND be it further enacted, that the compensations, superannuations, and allowances authorized as well by this as any former Act or Acts shall, when not specially provided for by Parliament, be charged upon and paid and payable by the respective departments or offices in which the persons receiving such allowances shall have served.

Compensations and superannuations not provided for to be charged on funds of departments.

\* \* \* \* \*

XXVIII. AND be it further enacted, that it shall be lawful for the person or persons at the head of any department in which any fees or other sources of profit may form part of the emoluments, of any office in such department, to fix, with the approbation of the commissioners of his Majesty's Treasury, or for the commissioners of the Admiralty if the office shall be in that department, an average sum upon which the compensation or superannuation allowance shall be granted, . . . . . which sum so to be fixed shall not exceed the average amount of such emoluments for the three last preceding years.

Where fees form part of the emoluments of an office, an average shall be fixed by the head of the department, on which compensation, &c. shall be granted.

\* \* \* \* \*

XXX. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to give any person an absolute right to compensation for past services, or to any superannuation or retiring allowance under this Act, or to deprive the commissioners of his Majesty's Treasury, and the heads or principal officers of the respective departments, of their power and authority to dismiss any person from the public service without compensation.

Act not to give an absolute right to compensation or superannuation allowances, or to prevent dismissal of persons without compensation.

\* \* \* \* \*

## CHAPTER XXVII.

AN ACT for the better Administration of Justice in certain Boroughs and Franchises. [25th July 1834.]

**W**HEREAS the justices of the peace acting in and for certain boroughs and franchises in that part of the United Kingdom called England, not being empowered by charter or otherwise to hear and determine felonies at the general sessions of the peace held in and for such boroughs and franchises, are by law required to send for trial at the general assizes for the county wherein such borough or franchise may be situated every person charged with felony, whereby the administration of justice is injuriously delayed, and the expences to which the county in such cases is liable are grievously increased: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the justices of the peace and any such justice acting in and for any borough or franchise in that part of the United Kingdom called England, not being empowered by charter or otherwise to hear and determine felonies, shall and may commit every person charged with any such felony as the court of quarter sessions may have jurisdiction to try, to be tried at the general quarter sessions of the peace for the county, riding, or division wherein such borough or franchise shall be situate, or at any adjournment thereof; and the justices of the peace acting in and for such county, riding, or division are

Justices of boroughs, &c. not empowered to try felonies, shall commit for trial at the county quarter sessions persons charged with felonies triable at quarter sessions.

hereby empowered to try persons so committed at the general quarter sessions of the peace held for such county, riding, or division, or at any adjournment thereof.

II. AND whereas the justices of the peace acting in and for certain boroughs and franchises in that part of the said United Kingdom called England have jurisdiction at the general sessions of the peace held in and for such borough or franchise to hear and determine divers felonies, and it is expedient that any such justice or justices should have power in certain cases to commit for trial, at the general quarter sessions of the peace for the county, riding, division, or shire in which such borough or franchise may be situate, any person charged with felony which the said justices are not authorized or empowered to hear and determine at the general sessions of the peace held in and for such borough or franchise: Be it therefore enacted, that from and after the passing of this Act it shall and may be lawful to and for a justice or for justices of the peace acting in any of the said last-mentioned boroughs or franchises to commit to the gaol of the county, riding, division, or shire in which such borough or franchise may be situate, to be tried at the general quarter sessions of the peace in and for such county, riding, division, or shire, any person charged with a felony which the said court of quarter sessions may have jurisdiction to try, and to the trial of which the jurisdiction of the justices of such borough or franchise at the general sessions of the peace in and for such borough or franchise does not extend; and the justices of the peace acting in and for such last-mentioned county, riding, division, or shire are hereby authorized and empowered to try any such person so committed as last aforesaid at the general quarter sessions of the peace held in and for such county, riding, division, or shire.

Justices of boroughs, &c. may commit for trial at the county quarter sessions persons charged with felonies triable at the county quarter sessions, but to which the jurisdiction of the borough justices does not extend.

In places having a recorder and a fit prison, the magistrates shall commit for trial at the quarter sessions of such places persons charged with felonies, &c. which if committed in the county would have been triable at the county quarter sessions.

III. AND be it further enacted, that in all such towns or franchises which have a recorder and a prison fit for the confinement of prisoners the magistrates of such town or franchise shall commit to the prison of such town all persons charged with having committed within such town or franchise any felony or misdemeanor which might, if the same had been committed out of such town or franchise and within the body of any county, have been tried by the justices of quarter sessions of such county; and the court of quarter sessions of such town or franchise shall have the same authority to inquire of, hear, determine, and punish any persons charged with such felonies or misdemeanors as the courts of quarter sessions of counties have; which quarter sessions the justices for such town or franchise are hereby required to hold.

## CHAPTER XXVIII.

AN ACT to amend the Laws relative to Marriages celebrated by Roman Catholic Priests and Ministers not of the Established Church, in Scotland.

[25th July 1834.]

Scotch Acts  
1 Parl. Cha. 2.  
Sess. 1. c. 34.  
An. 1661.  
1 Parl. Will. 3.  
Sess. 7. c. 6.  
An. 1698.

WHEREAS an Act was passed in the Parliament of Scotland in the first session of the first Parliament of King Charles the Second, intituled "Act against clandestine and unlawful marriages"; and another Act was passed in the seventh session of the said first Parliament of King William, intituled "Act against clandestine and irregular marriages": And whereas by the said recited Acts, or one or other of them, Roman catholic priests, and other ministers not of the Established Church of Scotland, celebrating marriages, and persons married by such clergymen, in Scotland, are rendered liable to certain punishments, pains, and penalties: And whereas it is

expedient that the said Acts should be altered and amended: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, so much of the said recited Acts as prohibits the celebration of marriages in Scotland by Roman catholic priests or other ministers not belonging to the Established Church of Scotland, or imposes any fine, pain, or penalty on persons so married, or on the priests or ministers celebrating such marriages or marrying such persons, shall be and it is hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

Recited Acts  
repealed in  
part.

II. AND be it enacted, that it shall be lawful to all persons in Scotland, after due proclamation of banns there, to be married by priests or ministers not of the Established Church, and also for such priests or ministers to celebrate marriages, without being subject to any punishment, pains, or penalty whatever; any thing in the said recited Acts, or in any other Act or Acts of Parliament, to the contrary notwithstanding.

Persons in  
Scotland may  
be married by  
priests, &c. not  
of Established  
Church, and  
such priests, &c.  
may celebrate  
marriages.

\* \* \* \* \*

## CHAPTER XXIX.

AN ACT for facilitating the Loan of Money upon Landed Securities in Ireland.  
[25th July 1834.]

**W**HEREAS in last wills and other testamentary dispositions, and in marriage and other settlements of real and personal property, and in other deeds, agreements, or writings, a direction, trust, or power is often given, created, or reserved to lay out or invest money at interest on real securities, in England, Wales, or Great Britain, or to sell and convert into money real or leasehold estates, or government or parliamentary securities, or securities of foreign states, or other property, and to lay out or invest the money arising from such sale and conversion on real securities: And whereas from the abundance of capital in Great Britain the interest of money is very much reduced, and the interest to be procured on money in Ireland is much higher than the interest to be procured on money in Great Britain: And whereas manifest improvement has taken place in the condition and security of landed property in Ireland, which it is desirable to encourage and advance: And whereas it would be highly beneficial to both Great Britain and Ireland if the loan of money on landed securities in Ireland was facilitated: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for any person or persons who, under or by virtue of any direction, trust, or power already given, created, or reserved, or hereafter to be given, created, or reserved as aforesaid, is or are or shall be authorized or directed to lend money at interest on real securities, in England, Wales, or Great Britain, to lend the same or any part thereof at interest on real securities in Ireland, in the same manner in all respects as if such investment had been expressly authorized in or by such direction, trust, or power as aforesaid; and such person or persons shall not, on account of his or their so lending money on real securities in Ireland, be considered in a court of equity guilty of any breach of trust, or held accountable further or otherwise than if the money had been laid out by him or them on real securities in England, Wales, or Great Britain.

Trustees, &c.  
authorised to  
lend money on  
real securities  
in England,  
&c. may lend  
on real secu-  
rities in  
Ireland.



Proviso for  
loans where  
minors, &c. are  
interested.

II. PROVIDED always, and be it further enacted, that all loans of money on real securities in Ireland under this Act in which any minor or unborn child or person of unsound mind is or may be interested shall be made by the direction and under the authority of the Court of Chancery or Exchequer in England, such direction or authority being obtained in any cause upon petition in a summary way.

Proceedings  
for enforcing  
repayment of  
loans by trus-  
tees or public  
bodies under  
this Act.

III. AND be it further enacted, that in all cases of trustees or public bodies lending money on real securities in Ireland under the authority of this Act, it shall be lawful for any court of equity in England to make all such orders and decrees for enforcing payment of the principal and interest thereby secured, or any part thereof, as if the said lands and hereditaments were situate in England or Wales; and it shall be lawful for the party or parties obtaining such orders or decrees to cause a copy of such orders or decrees, under the seal of the court by which the same shall have been made, to be exemplified, and certified to the lord chancellor, lord keeper or lords commissioners of the great seal of Ireland for the time being, or to the barons of his Majesty's Court of Exchequer in Ireland, whereon the said lord chancellor, lord keeper or lords commissioners for the custody of the said great seal of Ireland, or the said barons of the said Court of Exchequer in Ireland, shall forthwith cause such copy of such order or decree, when it shall be presented to them respectively so exemplified, to be enrolled, either in the rolls of the Court of Chancery or in the said Court of Exchequer, as the case may be, and shall cause all such process to issue against the said lands and hereditaments comprised in the said securities, and the party or parties against whom such decrees or orders shall be obtained, and his, her, or their real and personal estate, goods, chattels, and effects, in Ireland, in order to enforce obedience to and performance of the same, in such manner and form, and with such force and effect, as if the cause wherein such order or decree shall have been made had been originally cognizable by and instituted in the said courts of Chancery or Exchequer in Ireland; and it shall be lawful for the said lord chancellor, lord keeper or lords commissioners of the great seal in Ireland, or the said barons of the said Court of Exchequer in Ireland, to make such order or orders in respect of or consequent upon such process against the party or parties, or in respect of the said lands, or the real and personal estate, goods, chattels, or effects of the said party or parties, as he or they shall from time to time think fit, or for payment of all or any of the monies levied or received by virtue thereof into the Bank of Ireland, with the privity of the accountant general of the said courts of Chancery and Exchequer in Ireland respectively, to the credit or for the benefit of the party or parties who shall have obtained such order or decree, or to the credit of the cause in which such order or decree shall have been made; and the governor and company of the Bank of Ireland are hereby authorized and required to receive and hold all such monies, subject to the orders of the said Court of Chancery in Ireland: Provided always, that no such monies shall be charged with or subject to poundage for the usher of the said Court of Chancery in Ireland, or otherwise, where the same shall be paid out by order of the said last-mentioned court: And provided always, that no security for costs shall be required to be given in Ireland by any party or parties enforcing in manner aforesaid the execution of such orders or decrees of any court of equity in England as herein-before mentioned.

IV. PROVIDED always, and be it enacted, that every such loan shall be made with the consent of the person or persons, if any, whose consent may be required as to the investment of such money upon real securities in England, Wales, or Great Britain, testified in the manner required by such direction, trust, or power.

Consent of persons interested to be had.

V. PROVIDED also, and be it enacted, that the provisions of this Act shall not apply to any case in which such direction, trust, or power as aforesaid doth or shall or may contain any express restriction against the investment of such money as aforesaid on securities in Ireland.

To what cases Act not to extend.

VI. PROVIDED always, and be it further enacted, that nothing contained in this Act shall relieve or be construed to relieve any person or persons intrusted or clothed with such direction, trust, or power as aforesaid from any responsibility as to title, security, or otherwise, either at law or in equity, save that having lent and advanced such money as aforesaid on real securities in Ireland instead of having invested such money on real securities in England, Wales, or Great Britain.

Act not to relieve trustees, &c. from responsibility as to title, &c.

### CHAPTER XXX.

AN ACT to facilitate the Exchange of Lands lying in Common Fields.

[25th July 1834.]

**W**HEREAS it is expedient to facilitate the exchange of pieces of land lying intermixed and dispersed in common fields, meadows, or pastures, for other pieces of land, either lying therein, or being part of the inclosed lands in the same or any adjoining parish: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for any person who shall be seised or possessed of or entitled in possession to any land in any common field, as tenant in fee simple, or in fee tail, general or special, or for life or lives, or by the curtesy of England, or for any other estate of freehold, or for years determinable on any life or lives, or for any term of years whereof one hundred years shall be unexpired, and for the guardian, trustee, feoffee for charitable or other uses, husband, or committee of such person who at the time of making any exchange authorized by this Act shall be an infant, idiot, lunatic, or feme covert, or under any other disability, by such deed and with such consent as herein-after mentioned to grant and convey such land or any part thereof to any other person in lieu of and in exchange for any other land, whether lying in the same or any other common field, or for any inclosed land lying within the same or any adjoining parish, and to accept and take from such other person any land in lieu of and in exchange for the land in such common field.

Proprietors, &c. of lands in common fields may exchange the same.

II. AND be it further enacted, that it shall be lawful for any person who shall be seised or possessed of or entitled in possession to any land which it may be desirable to exchange for the land in such common field, whether such person shall be tenant in fee simple, or in fee tail, general or special, or for life or lives, or by the curtesy of England, or for any other estate of freehold, or for years determinable on any life or lives, or for any term of years whereof

All persons enabled to give land in exchange for such common field land.

one hundred years shall be unexpired, and for the guardian, trustee, feoffee for charitable or other uses, husband, or committee of such person who shall be an infant, idiot, lunatic, or feme covert, or under any other disability, to consent and agree to such exchange, and to grant and convey such land to the person proposing to make such exchange in lieu of and in exchange for the land lying in such common field, subject to the provisions herein-after contained.

Land taken in exchange by persons having limited interests to be of equal value with given lands, or difference to be made up by payment in money.

If exchange be made by any person having only a limited interest, or being under disability, the consent of the person next in remainder to be obtained.

Proviso in case the person next in remainder is an infant, &c.

Consent of patron and bishop necessary for exchange of land held in right of a benefice.

III. PROVIDED always, and be it further enacted, that when any such exchange shall be made by any person having a less estate or interest than in fee simple in the land to be by him granted or conveyed in exchange, or shall be made by any person under any disability, the land to be so taken in exchange shall at the time of making such exchange be, or shall by the payment of a sufficient sum for equality of exchange be made, of equal value with or not of less value than the land to be granted or conveyed in exchange.

IV. AND be it further enacted, that whenever any exchange shall be proposed to be made under the authority of this Act, and either of the parties thereto shall have a less estate or interest in the land to be by him granted or conveyed in exchange than a fee simple, or shall be under any disability, such exchange shall not be completed unless the person to whom the next immediate vested estate of freehold in remainder or reversion shall have been limited (provided such person shall be of the full age of twenty-one years, and being a female shall be unmarried,) shall consent thereto, and shall testify such consent by signing the draft deed of exchange herein-after mentioned; and such consent shall be sufficient for the purpose of authorizing such exchange notwithstanding the person giving the same may have an equitable estate only in the land intended to be conveyed in exchange, or may have previously disposed of or charged or incumbered his reversionary estate therein: Provided always, that if the person to whom such next immediate vested estate in remainder or reversion may have been limited shall at the time of such exchange happen to be an infant or feme covert, or an idiot or lunatic, then and in such case it shall be lawful for the guardian or husband or committee of such infant, feme covert, idiot, or lunatic (such guardian, husband, or committee not being himself the person by whom the exchange is proposed to be made) to consent to such exchange, and to sign the draft deed of exchange in his or her stead: Provided further, that whenever the guardian or husband or committee of such infant, feme covert, idiot, or lunatic shall himself be the person by whom such exchange is proposed to be made, then and in such case it shall be lawful for the Court of Chancery, upon petition, to be preferred to the said court in a summary way, to appoint a person to act as protector to such infant, feme covert, idiot, or lunatic for the purposes of this Act, and, if he shall think fit so to do, to consent to such exchange, and to sign the draft deed of exchange in the stead of such infant, feme covert, idiot, or lunatic, or of his or her guardian, husband, or committee.

V. PROVIDED always, and be it further enacted, that no exchange shall be made of any land held in right of any benefice, without the consent of the patron thereof, and of the archbishop or bishop to whose ordinary or peculiar jurisdiction the said benefice may be subject, such consent to be signified by the patron and archbishop or bishop respectively signing the draft deed of exchange herein-after mentioned; and such consent, when so given and signified, shall be a sufficient authority for such exchange, any law or statute to the

contrary notwithstanding: Provided always, that if the patronage of such benefice shall happen to be in the crown, and the benefice shall exceed the yearly value of twenty pounds in the King's books, it shall be lawful for the lord high treasurer or the first lord commissioner of the Treasury for the time being, but if it shall not exceed the yearly value of twenty pounds in the King's books, then for the lord high chancellor, lord keeper or lords commissioners of the great seal for the time being, to consent to such exchange and to sign the draft deed of exchange on behalf of the crown, and if the patronage of such benefice shall happen to be in the crown in right of the duchy of Lancaster it shall be lawful for the chancellor for the time being of the said duchy to consent to such exchange and to sign the draft deed of exchange on behalf of the crown; and if the patronage of such benefice shall be part of the possessions of the duchy of Cornwall it shall be lawful for the duke of Cornwall for the time being, if of full age, but if not of full age, or in case such benefice shall be within the patronage of the crown in right of the duchy of Cornwall, then for the same person who is herein-before authorized to consent on behalf of the crown in respect of a benefice in the patronage of the crown to consent to such exchange and to sign the draft deed of exchange on behalf either of the duke of Cornwall, or, as the case may be, on behalf of the crown in right of the duchy of Cornwall; and if the patron of such benefice shall happen to be a minor, idiot, lunatic, or feme covert, it shall and may be lawful for the guardian, committee, or husband of such patron to consent to such exchange and to sign the draft deed of exchange in the stead of such patron, and on his or her behalf.

Consent where patronage is in the crown;

or is part of the possessions of the duchy of Cornwall.

Consent where patron is a minor, &c.

VI. PROVIDED always, and be it further enacted, that no exchange shall be made under the authority of this Act by any bishop, dean, or other head of a chapter, archdeacon, prebendary, or other ecclesiastical corporation sole, unless, in the case of a bishop, with the consent of the archbishop of the province, to be signified by such archbishop signing the draft deed of exchange herein-after mentioned, or unless, in the case of a dean or other head of a chapter, with the consent of the chapter, to be signified by their affixing their common seal to the said draft deed of exchange, or unless, in the case of an archdeacon, prebendary, or other ecclesiastical corporation sole, with the consent of the archbishop or bishop of the diocese, to be signified by such archbishop or bishop signing the said draft deed of exchange.

Exchange by bishop to be with consent of archbishop, by head of chapter with consent of chapter, by ecclesiastical corporation sole with consent of bishop of diocese.

VII. AND be it further enacted, that every exchange under the authority of this Act shall be made according to the form in the schedule to this Act annexed, or as near thereto as the number of parties and the circumstances of the case will admit, and shall, when executed by the respective parties, be valid and effectual in the law to all intents and purposes, without livery of seisin made or taken, or any other act done, by any person or party to perfect or complete the same.

Exchange to be made in the form given in the schedule.

VIII. PROVIDED always, and be it further enacted, that whenever any land held by copy of court roll shall be exchanged under the authority of this Act, the deed of exchange, when executed by the respective parties, shall be produced to the lord of the manor of which the land may be parcel, or to his steward, or to the deputy of such steward, who shall cause the same to be entered on the court rolls of the manor.

In case of copyholds, the deed of exchange to be entered on the court rolls.

Fees to stewards of manors.

IX. AND be it further enacted, that the fees and charges to be demanded by and paid to any steward of a manor for entering on the court rolls of such manor any deed of exchange or other instrument required by this Act to be entered thereon shall not exceed the sum of sixpence for every law folio of seventy-two words contained in such deed or other instrument.

In case of church lands, deed to be entered in the proper ecclesiastical registry.

X. AND be it further enacted, that whenever any exchange shall be made under the authority of this Act by any archbishop, bishop, dean or other head of a chapter, dean or other head of a chapter and chapter, archdeacon, prebendary, or other ecclesiastical corporation, or by the incumbent of any benefice, the deed of exchange, when executed by the respective parties, shall, in the case of the exchange being made by an archbishop or bishop, be entered in his own registry, and in the case of the exchange being made by a dean or other head of a chapter, or by a dean or other head of a chapter and chapter, be entered in the registry of such chapter, and in the case of the exchange being made by an archdeacon, prebendary, or other ecclesiastical corporation, or by the incumbent of a benefice, be entered in the registry of the bishop of the diocese.

Office copies of instruments deposited in the registry to be evidence.

Searches and copies.

Registrar's fees.

XI. AND be it further enacted, that an office copy of any deed of exchange or other instrument which under the provisions of this Act shall be entered on any such registry as aforesaid (such office copy being certified by the registrar or his deputy) shall be allowed as evidence thereof in all courts and places; and every person shall be entitled to require any such office copy, and shall also be allowed at all usual and proper times to search for and inspect any deed of exchange or other instrument which shall be so entered; and the registrar shall be entitled to charge for the entry of every such deed of exchange or other instrument after the rate of sixpence for every law folio of seventy-two words contained therein, and the sum of one shilling, and no more, for allowing any such search or inspection as aforesaid, and after the rate of sixpence for every law folio of seventy-two words in any office copy to be made and certified as aforesaid.

Draft of intended exchange and other documents to be deposited with the clerk of the peace, and notice thereof inserted in some newspaper circulating in the county.

Execution of deeds, &c. by corporations aggregate.

XII. AND be it further enacted, that before any exchange shall be made under the authority of this Act a draft of the intended deed of exchange, containing a correct description of the several lands proposed to be exchanged, and signed by the respective parties, and also by the several persons whose consent to such exchange is herein-before required to be given, and accompanied by an estimate of the value as well of the land proposed to be given as of the land proposed to be taken in exchange, and whenever the exchange shall be proposed to be made by or with any person under disability, then accompanied also by a copy of the several limitations contained in the deed or will under which such person may be entitled, shall be deposited with the clerk of the peace of the county in which the greater part of the land may be situated; and a notice of such draft and estimate having been so deposited (such notice containing a description of the land intended to be exchanged) shall be published in some newspaper usually circulated in the county wherein such land is situated at three several times in three successive months after such draft and estimate shall have been so deposited: Provided always, that whenever a corporation aggregate shall be one of the parties to such proposed exchange, or the consent of a corporation aggregate shall be necessary thereto, the affixing of the common seal of such corporation to such draft deed of

exchange shall be deemed a sufficient compliance with the provisions of this Act.

XIII. AND be it further enacted, that if any person claiming to have an interest in the land proposed to be exchanged shall object to such exchange, it shall be lawful for him to state such objection in writing, and to deposit the same with the clerk of the peace at any time not less than fourteen days before the holding of the assizes at which such proposed exchange shall be taken into consideration as herein-after mentioned; and such draft deed of exchange, and estimate, and copy of limitations, and the said statement of objection, shall be open to the inspection of any person.

Persons having any objections to deposit them with the clerk of the peace within a certain time.

XIV. AND be it further enacted, that the justices of the peace for the several counties, ridings, divisions, cities, towns, liberties, and precincts within England and Wales, shall in the manner directed by an Act passed in the fifty-seventh year of the reign of King George the Third, intituled "An Act to enable justices of the peace to settle the fees to be taken by the clerks of the peace of the respective counties and other divisions of England and Wales," ascertain, make, and settle a table of fees and allowances to be taken by the clerks of the peace for such counties, ridings, divisions, cities, towns, liberties, and precincts, for their trouble in the execution of the duties imposed upon them by this Act; and such fees shall be subject to alteration and regulation in the manner by the said Act directed.

Fees to be taken by clerks of the peace to be settled under 57 Geo. 3. c. 91.

XV. AND be it further enacted, that the clerk of the peace shall cause the said draft deed of exchange, estimate, and statement of objection (if any), and all other papers relating thereto, to be laid before the senior judge of nisi prius at the assizes to be holden next after the expiration of three months from the time of the deposit of such draft deed of exchange with the clerk of the peace as aforesaid; and such judge shall appoint a barrister, of not less than five years standing, for taking into consideration the said draft deed and statement, who shall forthwith appoint a time for that purpose.

Clerk of the peace to cause the draft deed, &c. to be laid before a judge of assize, who shall appoint a barrister to consider the same.

XVI. AND be it further enacted, that such barrister shall be empowered to summon and to compel the attendance of witnesses, and to administer an oath; and that any person wilfully swearing falsely before such barrister shall be liable to all the penalties of wilful perjury.

Barrister may summon witnesses. False swearing, perjury.

XVII. AND be it further enacted, that such barrister shall satisfy himself, by the production of deeds, the examination of witnesses, or by such other evidence as he shall think fit to require, of the value of the lands proposed to be exchanged, and that the person proposing to make such exchange is not under any disability, or, if he is, that the person stated to have the next immediate vested estate of freehold in reversion or remainder has such estate, and that the notices and the consents required by this Act have been duly given; and such barrister shall hear and determine all objections (if any) which may have been made by any person claiming to have an interest in the land proposed to be exchanged.

Barrister to examine witnesses, &c. and determine objections.

XVIII. AND be it further enacted, that after such inquiry shall have been had before such barrister, he shall grant a certificate under his hand, in which he shall state that the parties proposing to make such exchange are not under any disability, or, if they are or either of them is under disability, that the persons or person having the next immediate vested estate of freehold in remainder or reversion have concurred therein, that the persons whose consents

After inquiry the barrister to certify as the case may be, and suggest alterations.

are required under this Act have consented to the exchange, and that the equality and fairness of the proposed exchange have been proved, or otherwise, as the case may be; and he shall suggest in such certificate such alterations as to him may seem expedient for the better protecting the rights of parties having an interest in the lands proposed to be exchanged.

XIX. AND be it further enacted, that in any case of an exchange to be made under this Act in which there shall be a difference of not more than one fifth in the value of the lands proposed to be exchanged, it shall be lawful for the said barrister to allow or insert a provision in such exchange for the payment in money of such difference in value: Provided always, that no exchange shall be made under the authority of this Act in which there shall be a difference of more than one fifth part in the value of the lands proposed to be exchanged.

XX. AND be it further enacted, that the said certificate, together with the said draft deed of exchange, and estimate, and such statement of objections, if any, and all other papers relating thereto, shall be laid before the said judge of assize, who shall thereupon make such order therein, either for confirming the said exchange, or for annulling the same, or for altering the same, as to him may seem expedient; and the said draft deed of exchange, when so confirmed or altered by the said order, shall be immediately engrossed and executed by the necessary parties, and shall, when so executed, be binding upon the owners and proprietors of the pieces of land so exchanged, and all other parties interested therein: Provided always, that before making such final order it shall be lawful for such judge to institute or cause to be instituted such further inquiry, by the means aforesaid, into the several matters relating to any such agreement, as he may think necessary.

XXI. PROVIDED also, and be it enacted, that such barrister shall further certify to the said judge by whom and in what proportions the costs and charges of such proceedings relative to such agreement ought to be borne; and thereupon the said judge shall make such order for payment of such costs and charges as he may think right: Provided always, that in the case of any disagreement respecting the amount of such costs, such costs shall be taxed by the master or secondary of the Court of King's Bench.

XXII. AND be it further enacted, that every barrister before whom any inquiry shall be had under the authority of this Act shall be entitled to be paid at the rate of five guineas for every day that he shall be employed in making such inquiry, over and above his travelling and all other expences; and every such barrister shall after the termination of such inquiry transmit a statement of the number of days during which he shall have been so employed, and an account of the travelling and all other expences incurred by him in respect of such employment, to the judge by whom he shall have been appointed, or, in case of the death or illness or retirement of such judge, to any other judge of the superior courts of record at Westminster, who shall examine and allow the same, or so much or such parts thereof as he shall see fit; and the same when so allowed shall be paid in the same manner as the other costs and charges incident to such exchange are herein-before directed to be paid: Provided always, that if more than one case of exchange shall be referred to the same barrister, the remuneration to such barrister shall not be cumulative, but shall be considered as fixed for the day and not for the case.

Where there is a difference in value between the lands to be exchanged of not more than one fifth, it may be paid in money. No exchange where difference is more than one fifth. Certificate, with draft deed, &c., to be laid before the judge, who shall make order thereon. Deed as finally settled to be executed, and be binding on all parties.

Judge may institute further inquiry before final order.

Costs and charges of proceedings.

Taxation of costs.

Remuneration to barrister.

XXIII. AND be it further enacted, that in case any money shall be directed to be paid by either party to the other of them for equality of exchange, and the party to whom such money shall be directed to be paid shall (in case it shall exceed the sum of twenty pounds) be paid with all convenient speed into the Bank of England in the name and with the privity of the accountant general of the Court of Chancery, to be placed to his account there ex parte the person entitled to the rents and profits of the land for or in respect of which such money shall be payable, to the intent that such money shall be applied, under the direction of the court, to be signified by an order made in a summary way upon a petition to be preferred by or on behalf of the person who would have been entitled to the rents and profits of the said land, either in the purchase or redemption of the land tax, or in discharging any debt or incumbrance affecting the said land, or affecting any other lands standing settled therewith to the same or the like uses, or in the purchase of other lands, which shall be conveyed to the same or the like uses, or such of them as shall be then subsisting and capable of taking effect; and in the meantime and until such purchase shall be made the said money shall, by order of the said court, upon application thereto, be invested by the said accountant general in his name in some of the public funds, and the dividends thereof shall from time to time be paid to the person who would have been entitled to the rents of the land so to be purchased and settled; but in case such money shall not exceed the sum of twenty pounds, then the same shall be paid to the person entitled to the rents and profits of the land for or in respect of which the same may be payable, or in case of infancy, lunacy, idiotcy, or coverture, to his or her guardian, committee, or husband, as the case may be.

Application of money exceeding 20*l.* paid for equality of exchange when party entitled to same is under disability.

Application of money not exceeding 20*l.*

XXIV. AND be it further enacted, that from and immediately after such deed of exchange as herein-before is mentioned shall have been duly executed by the necessary parties, the land which by such deed is given in exchange shall be exonerated and discharged from the uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances then affecting the same, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances, as affected the land taken in exchange at the same date; and the land so taken in exchange shall be exonerated and discharged from all uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances then affecting the same, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances, as affected the lands given in exchange at the same time.

Lands given in exchange to be exonerated from the uses affecting them at the time, and to become subject to such uses as affected the lands taken, and vice versa.

XXV. AND be it further enacted, that no person to whom any land shall have been granted or conveyed in exchange according to the provisions of this Act shall at any time thereafter be evicted from the peaceable and quiet possession of such land by reason or in consequence of any person claiming right thereto through any title prior to that of, or through any defect of title in, the person by whom such land may have been granted or conveyed; but nevertheless it shall be lawful for the person claiming such right, and he is hereby authorized and empowered, to use, exercise, and enjoy all such and the same powers and remedies in trying his right to and in obtaining and recovering possession of the land which shall have been granted or conveyed in exchange, as the person so claiming would, in case this Act had not been made,

Parties not to be evicted from land taken in exchange by persons claiming title prior to that of the persons giving such land in exchange.

Parties so claiming may pursue their rights against the land given in exchange for land so taken.



have been enabled to use, exercise, or enjoy in trying the right to and recovering the possession of the land in exchange for which the same shall have been so granted or conveyed under the authority of this Act.

General saving.

XXVI. SAVING always to the King's most excellent Majesty, his heirs and successors, and to all and every other person, bodies politic, corporate, and collegiate, his and their heirs, successors, executors, and administrators, (other than and except the several owners and proprietors of the said exchanged lands, and the several persons and parties who shall have consented to such exchange, and all other persons claiming under them, or under the same will or deed or other conveyance as the said owners and proprietors, any right, title, estate, or interest to or in the said exchanged lands,) all such estate, right, title, interest, claim, and demand whatsoever as they, every or any of them had before the making and confirming of any such exchange, or could or might have had or enjoyed in case such exchange had not been made.

Meaning of words in this Act:

"person":

XXVII. AND be it further enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in the construction of this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "person" shall extend as well to an individual as to a body politic, corporate, or collegiate, and to a corporation as well aggregate as sole, whether such corporation be eleemosynary or civil, ecclesiastical or lay; the word "benefice" shall extend to and be taken to comprehend rectories, vicarages, donatives, perpetual curacies, parochial and consolidated chapelries, district parishes and district chapelries, and churches and chapels having a district assigned thereto; the word "land" shall extend to every species of land, whether arable, meadow, or pasture, and whether freehold, copyhold, or customary, or held by any other tenure, and as well to one piece or parcel as to any number of pieces or parcels of land; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

"benefice":

"land."

Number and gender.

Act to extend only to England and Wales.

XXVIII. AND be it further enacted, that this Act shall extend only to that part of the United Kingdom called England and Wales.

\* \* \* \* \*

#### The SCHEDULE to which the foregoing Act refers.

THIS indenture, made the                      day of                      in the year                      , between A.B. of                      of the one part, and C.D. of                      of the other part, witnesseth, that in pursuance and under the authority of an Act passed in the                      year of the reign of his Majesty King William the Fourth, intituled [here set forth the title of this Act], the said A.B. doth grant and convey all the land comprised in the first schedule hereunder written, marked with the letter A., unto the said C.D., in lieu of and in exchange for the land comprised in the second schedule hereunder written, marked with the letter B., to the end and intent that the land comprised in the first schedule may be held and enjoyed by the said C.D. and the person or persons who for the time being shall be entitled thereto, and be and become subject to such and

the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances, as the land comprised in the second schedule now is or may be subject or liable to : And this indenture further witnesseth, that in pursuance of the said Act the said C.D. doth grant and convey all the land comprised in the second schedule hereunder written, marked with the letter B., unto the said A.B., in lieu of and in exchange for the land comprised in the first schedule hereunder written, marked with the letter A., to the end and intent that the land comprised in the second schedule may be held and enjoyed by the said A.B. and the person or persons who for the time being shall be entitled thereto, and be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances, as the land comprised in the first schedule now is or may be subject or liable to. In witness, &c.

Schedule A. containing the land conveyed by A.B. to C.D.

Schedule B. containing the land conveyed by C.D. to A.B.

Witness

E.F.

G.H.

A.B. (L.S.)

C.D. (L.S.)

## CHAPTER XXXVI.

AN ACT for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoining. [25th July 1834.]

**W**HEREAS it is expedient, for the more effective and uniform administration of justice in criminal cases, that offences committed in the metropolis and certain parts adjoining thereto should be tried by justices and judges of oyer and terminer and gaol delivery in the city of London : Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the lord mayor for the time being of the city of London, the lord chancellor or lord keeper of the great seal, and all the judges for the time being of his Majesty's courts of King's Bench, Common Pleas, and Exchequer, the chief judge and the two other judges in Bankruptcy, the judge of the Admiralty, the dean of the Arches, the aldermen of the city of London, the recorder, the common serjeant, the judges of the sheriffs court of the city of London for the time being, and any person or persons who hath or shall have been lord chancellor, lord keeper, or a judge of any of his Majesty's superior courts of Westminster, together with such others as his Majesty, his heirs and successors, shall from time to time name and appoint by any general commission as herein-after stated, shall be and be taken to be the judges of a court to be called the "Central Criminal Court," to which his Majesty, and his heirs and successors, may direct his general commission as herein-after mentioned ; and which court shall have jurisdiction to hear, try, and determine all offences committed or alleged to be committed as herein-after specified.

The lord mayor of London, lord chancellor, judges of the Court of Common Law, Bankruptcy, and Admiralty, dean of Arches, aldermen, recorder, and common serjeant, and judges of the sheriffs court of London, and such others as his Majesty may appoint, to be judges of a court to be called the "Central Criminal Court."

His Majesty may issue a commission of

II. AND be it further enacted, that it shall be lawful for his Majesty, his heirs and successors, from time to time to command and cause to be issued

[\* So much of this Act as relates to the penitentiary house at Millbank, rep., 6 & 7 Vict. c. 26. s. 1.]

oyer and terminator and gaol delivery for London and Middlesex, and certain parts of Essex, Kent, and Surrey;

under which the judges of the Central Criminal Court may proceed to try offenders.

commissions of oyer and terminator to inquire of, hear, and determine all treasons, murders, felonies, and misdemeanors committed within the city of London and county of Middlesex, and those parts of the counties of Essex, Kent, and Surrey, within the parishes of Barking, East Ham, West Ham, Little Ilford, Low Layton, Walthamstow, Wanstead St. Mary, Woodford, and Chingford, in the county of Essex; Charlton, Lee, Lewisham, Greenwich, Woolwich, Eltham, Plumstead, St. Nicholas Deptford, that part of St. Paul Deptford which is within the said county of Kent, the liberty of Kidbrook, and the hamlet of Mottingham, in the county of Kent; and the borough of Southwark, the parishes of Battersea, Bermondsey, Camberwell, Christchurch, Clapham, Lambeth, St. Mary Newington, Rotherhithe, Streatham, Barnes, Putney, that part of St. Paul Deptford which is within the said county of Surrey, Tooting, Graveney, Wandsworth, Merton, Mortlake, Kew, Richmond, Wimbledon, the Clink liberty, and the district of Lambeth palace, in the county of Surrey; and also commissions of gaol delivery to deliver his Majesty's gaol of Newgate of the prisoners therein charged with any of the offences aforesaid, committed within the limits aforesaid; and it shall be lawful for the justices and judges of the Central Criminal Court aforesaid, or any two or more of them, to inquire of, hear, determine, and adjudge all such treasons, murders, felonies, and misdemeanors, and all treasons, murders, felonies, and misdemeanors which might be inquired of, heard, and determined under any commission of oyer and terminator for the city of London or county of Middlesex, or commission of gaol delivery to deliver the gaol of Newgate, or which, in case the parts of the counties of Essex, Kent, and Surrey respectively comprised within the limits aforesaid had been counties of themselves, might have been inquired of, heard, and determined under commissions of oyer and terminator and gaol delivery for such counties, and to deliver the said gaol of Newgate at such times and places in the said city or the suburbs thereof as by the said commissions shall be appointed, or as the said justices and judges by virtue and in pursuance thereof or any two or more of them shall appoint, and to award and issue all precepts and process, and use and exercise all powers and authorities belonging to justices of oyer and terminator and gaol delivery: Provided always, that such court shall have power and jurisdiction to proceed on every such commission so issued as aforesaid and act under such commission until a new commission shall be issued.

New district to be considered as one county, and venue to be "Central Criminal Court to wit," &c.

III. AND be it further enacted, that the district situated within the limits of the jurisdiction herein-before established shall be deemed and taken to be, in all cases tried before the said justices and judges, one county for all purposes of venue, local description, trial, judgment, and execution, not herein specially provided for; and that in all indictments and presentments preferred and tried before the said justices and judges the venue laid in the margin shall be as follows, "Central Criminal Court to wit"; and all offences which in other indictments would be laid to have been committed in the county where the trial is had, and all material facts which would be in other indictments averred to have taken place in the county where the trial is had, shall, in indictments prepared and tried in the said court, be laid to have been committed and averred to have taken place "within the jurisdiction of the said court."

IV. AND be it further enacted, that the sheriffs of the city of London, and of the counties of Middlesex, Essex, Kent, and Surrey respectively, shall execute and obey all precepts and process which the said justices and judges shall award, issue, and direct unto them respectively, and shall, whenever required and commanded, summon and return from the said city of London and county of Middlesex, and from the parts of the said counties of Essex, Kent, and Surrey within the limits of this Act, a competent number of persons qualified according to law to inquire of, present, and try all offences and other matters cognizable by the said justices and judges; and the persons so returned, whether taken wholly from the city of London or the said counties, or taken indiscriminately from the said city and the said counties, shall have authority to inquire of, present, hear, try, and determine all such offences and other matters, and all issues and all matters of fact arising out of such trials or relating thereto, notwithstanding that such persons are not inhabitants of the city, county, or place where such offences or other matters may be committed or arise; and any person having served upon any grand jury or petty jury summoned and returned from the said counties of Essex, Kent, and Surrey, under the authority of this Act, shall henceforth be exempt for and during twelve calendar months next after such service from serving upon any jury in any court (except the sessions of the peace) to be holden for the county in which such juror shall reside.

Power to summon juries from London or from the counties, or from both indiscriminately, to try all offences cognizable by the Act.

Jurors summoned from Essex, Kent, and Surrey to be exempt from serving on juries in their counties for twelve months.

V. AND whereas, for the more convenient distribution of prisoners, as well before trial as after, and also for rendering more effectual the punishment of imprisonment, it may be expedient that power should be given to appoint from time to time in what places of confinement within the limits of this Act such prisoners shall be kept in custody: Be it therefore further enacted, that it shall be lawful for his Majesty, by and with the advice of his privy council, from time to time to order and direct in what gaol, house of correction, or other prison, being within the limits of this Act, any person or persons charged with or convicted of offences committed or alleged to have been committed within the limits of this Act shall be imprisoned or kept in custody; and that when and so often as his Majesty, by and with the advice of his privy council, shall be pleased to give such orders and directions, the said justices and judges of oyer and terminer and gaol delivery, and all justices of the peace, coroners, and other magistrates acting within the limits of this Act, shall commit all persons charged or convicted before them to such gaol, house of correction, or other prison as in such orders or directions shall be expressed and commanded, any law, usage, or custom to the contrary notwithstanding; provided nevertheless, and it is hereby declared, that the city, county, or place, in which the offence of such person or persons was committed or alleged to have been committed, shall be liable to and charged with the expence of supporting and maintaining such prisoner during his imprisonment in such gaol, house of correction, or other prison, at and after such rate as his Majesty, by and with the advice of his privy council, shall order and direct, and shall be paid by the treasurer of the said city, county, or place in which such offence was committed or alleged to have been committed: Provided nevertheless, that the county of Middlesex and city of Westminster and liberty of the Tower of London shall not be liable to any charge for the support and maintenance of

His Majesty, by order in council, may appoint the places of confinement for prisoners.

any prisoner charged with any offence in the said county, city, or liberty, who shall be committed to his Majesty's gaol of Newgate.

\* \* \* \* \*

Persons convicted may be imprisoned either in gaol appointed by order in council, or in the county gaol, or in Newgate.

IX. AND be it further enacted, that it shall be lawful to and for the said justices and judges of oyer and terminer and of gaol delivery, or any two or more of them, to commit any person or persons who shall be brought before them charged with any offence cognizable by such justices and judges under and by virtue of this Act, or who shall be convicted or attainted before them, to such gaol, house of correction, or other prison as may be specified in any order of council to be made by virtue of this Act, or if no such order shall have been made, then to the common gaol, house of correction, or other prison of the city, county, or place to which such offender might have been committed if this Act had not passed, or to his Majesty's gaol of Newgate, there to remain until discharged by due course of law, or in execution of his or their respective judgments; and in case of such commitment to the said gaol of Newgate, execution of such judgments shall and may be had and done upon such person or persons by the sheriffs of the said city of London in the same way and as fully to all intents and purposes as if the offence of which such person or persons was or were convicted had been committed in the said city of London.

Sheriffs of London may execute judgments on prisoners committed to Newgate.

Until otherwise ordered justices and coroners in Essex and Kent to commit offenders charged with offences cognizable under this Act to Newgate, and justices and coroners in Surrey to commit offenders to Horsemonger lane.

X. AND be it further enacted, that until his Majesty shall be pleased, by and with the advice of his privy council, to order and direct in what gaol, house of correction, or other prison persons charged with or convicted of offences committed or alleged to have been committed within the limits of this Act shall be imprisoned or kept in custody, it shall be lawful for any justice of the peace or coroner acting in and for the said counties of Essex or Kent, so far as relates to the said several parishes lying within their respective counties, to commit any person or persons charged with any of the offences aforesaid cognizable by the said justices and judges of oyer and terminer and gaol delivery by virtue of this Act to his Majesty's gaol of Newgate; and also for any justice of the peace or coroner acting in and for the said county of Surrey, so far as relates to the several parishes above mentioned lying within the said county of Surrey, to commit any person charged with any of the offences aforesaid cognizable by the justices and judges of oyer and terminer and gaol delivery by virtue of this Act to his Majesty's gaol of Horsemonger lane or Newington in and for the county of Surrey.

Justices and coroners to specify that persons are committed under this Act, and to take examinations, &c. as required under 7 Geo. 4. c. 64.

Penalty for default.

XI. AND be it further enacted, that every justice or coroner acting within the limits of this Act shall specify in the commitment that the person or persons charged are committed under the authority of this Act; and such justice or coroner shall in all such cases take the like examinations, informations, bailments, and recognizances, and certify the same to the said justices of oyer and terminer and gaol delivery, as they are required by an Act passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled "An Act for improving the administration of criminal justice in England"; and any justice of the peace or coroner, in default of so doing, shall be liable to the same fines and penalties to be imposed by the said justices and judges of oyer and terminer and gaol delivery in the same

manner as is mentioned in the said Act; and when any person or persons shall be committed to his Majesty's gaol for the county of Surrey for any offence cognizable by the said justices and judges of oyer and terminer and gaol delivery by virtue of this Act, by a commitment specifying that such person or persons is or are committed under the authority of this Act, the sheriff of the said county of Surrey, or the keeper of the gaol for the said county, shall, six days at least before the sitting of the next court of oyer and terminer and gaol delivery appointed under the authority of this Act, or at such other time as the said justices and judges of oyer and terminer and gaol delivery, or any two or more of them, shall from time to time direct, cause such person and persons, with their commitments and detainers, to be safely removed from the gaol of the said county of Surrey, without the issuing of any writ of habeas corpus, or other writ, to the said gaol of Newgate, there to remain until delivered by due course of law.

Prisoners committed to county gaol of Surrey to be removed to Newgate.

XII. AND be it further enacted, that it shall be lawful for any two of the said justices and judges of oyer and terminer and of gaol delivery to order and direct the costs and expences of prosecutors and witnesses, in all cases where prosecutors and witnesses may be by law entitled thereto, to be paid by the treasurer of the county in which the offence of any person prosecuted would have been tried but for this Act; and that every such treasurer or some known agent shall attend the said justices and judges of oyer and terminer and gaol delivery during the sitting of the court, to pay all such orders.

Power to order payment of expences to prosecutors and witnesses.

Treasurer of county, or his agent, to attend the court, to pay orders.

XIV. AND be it further enacted, that it shall be lawful for the court of the lord mayor and aldermen of the city of London, having the government and ordering of the said gaol of Newgate, to enter into agreement with the justices of the peace for the said counties of Essex, Kent, and Surrey, for the support and maintenance in the said gaol of Newgate of any prisoner or prisoners so committed or removed thereto under the authority of this Act; and that the sum to be paid for the support and maintenance of such prisoner or prisoners in the said gaol of Newgate, and for their removal therefrom, shall be after such rate and in such manner as shall be settled and agreed by and between a committee of the said aldermen to be appointed from time to time by the said court of aldermen and a joint or separate committee of the magistrates of the said respective counties of Essex, Kent, and Surrey, to be appointed at the general or quarter sessions of the peace of the said counties respectively to be holden next after the first day of January in every year; and in case the said committee, or either of them, shall not make such settlement or agreement as aforesaid, then the rate and manner in which such support and maintenance shall be paid shall, on the application of the said committee of aldermen at any time after the expiration of one month from the said respective sessions, be fixed and determined by such of the said justices and judges of oyer and terminer and gaol delivery, or any two or more of them, as hath or shall have been justices of his Majesty's superior courts of Westminster; and that the amount of such support and maintenance, to be ascertained in manner aforesaid, shall be paid by the treasurer of the respective counties of Essex, Kent, and Surrey, in such manner as the said justices and judges shall order and direct.

Court of the lord mayor and aldermen of London may contract with the justices of Essex, Kent, and Surrey for the support of prisoners committed or removed from those counties to Newgate.

If agreement be not made, the judges shall settle the amount.

Amount shall be paid by the county treasurers.

Sessions to be held in London or the suburbs twelve times at least in every year.

XV. AND be it further enacted, that the said justices and judges of oyer and terminer and gaol delivery to be appointed under the authority of this Act, or any two or more of them, shall hold a session for the said city of London and county of Middlesex, and the parts of the counties of Essex, Kent, and Surrey herein-before mentioned, in the said city of London or suburbs thereof, at least twelve times in each and every year (and oftener if need be), such times to be fixed by general orders of the said court, which any eight or more of the said judges of his Majesty's courts of Westminster are hereby empowered to make from time to time.

Indictments found before justices of the peace for offences cognizable under this Act may be removed by writ of certiorari in order to be tried before justices and judges under this Act;

XVI. AND be it further enacted, that it shall be lawful for his Majesty's Court of King's Bench, or any judge thereof, or any commissioner of oyer and terminer and gaol delivery under this Act, being a judge of any of the superior courts at Westminster, or the chief judge or any other judge of the Court of Bankruptcy, or the recorder for the said city of London for the time being, if such court, judge, or recorder shall think proper, to issue any writ or writs of certiorari, or other process, directed to his Majesty's justices of the peace acting in and for the cities of London and Westminster, the liberty of the Tower of London, the borough of Southwark, and the counties of Middlesex, Essex, Kent, and Surrey, or either of them, commanding the said justices of the peace, or any or either of them, to certify and return into the said court of oyer and terminer and gaol delivery indictments or presentments found or taken before the said justices of the peace, or any of them, of any offences cognizable by virtue of this Act, and the several recognizances, examinations, and depositions relative to such indictments and presentments, so that the same offences may be dealt with, tried, and determined by the said justices and judges of oyer and terminer and gaol delivery; and also for the like purpose, by writ or writs of habeas corpus, to cause any person or persons who may be in the custody of any gaol or prison charged with any offences cognizable under this Act to be removed into the custody of the keeper of the gaol of Newgate.

and prisoners may be removed to Newgate.

\* \* \* \* \*

Recognizances for prosecuting, giving evidence, &c. before justices of the peace shall be obligatory on persons entering into the same to prosecute, give evidence, &c. before justices and judges under this Act.

XVIII. AND be it further enacted, that every recognizance which shall have been or shall be entered into for the prosecution before his Majesty's justices of the peace aforesaid of any person for any offence cognizable under this Act, and any recognizance for the appearance as well of any witness to give evidence upon any bill of indictment or presentment for any such offence as of any person to answer our lord the King for or concerning any such offence, or to answer generally before such justice of the peace, shall, in case any such writ of certiorari or habeas corpus be issued for the purpose of removing such indictment or presentment or such person so in custody as aforesaid, be obligatory on the parties bound by such recognizance to prosecute and appear and give evidence and do all other things therein mentioned with reference to the indictment or presentment or the person so removed as aforesaid before the justices and judges of oyer and terminer and gaol delivery acting by virtue of this Act, in like manner as if such recognizance had been originally entered into for prosecuting such offence, appearing, or giving evidence, or doing such other things before the said justices and judges of oyer and terminer and gaol delivery; provided that in cases of removal from the

jurisdiction of justices of the peace for the said cities of London or Westminster, the liberty of the Tower of London, the borough of Southwark, or counties of Middlesex and Surrey, two days notice, and in case of removal from the jurisdiction of the justices of the peace for the counties of Essex and Kent one week's notice, shall have been given either personally or by leaving the same at the place of residence as of which the parties bound by such recognizance are therein described, to appear before the court of oyer and terminer and gaol delivery instead of the said other justices: Provided also, that it shall be lawful for the court, judge, or recorder who shall grant such writ of certiorari or habeas corpus, and it is hereby required that such court, judge, or recorder shall cause the party applying for such writ or writs, whether he be the prosecutor or party charged with such offence, to enter into a recognizance in such sum, and with or without sureties, as the court, judge, or recorder may direct, conditioned to give such notice as aforesaid to the parties bound by such recognizance to appear before the said court of oyer and terminer and gaol delivery instead of before the said other justices respectively, and to do such other things as such court, judge, or recorder shall direct.

Notice to be given to parties entering into recognizances of change of court.

Parties applying for removal of indictment to enter into recognizance to give such notice, &c.

XIX. AND be it further enacted, that it shall be lawful for the said justices of the peace acting in and for the said cities of London and Westminster, the liberty of the Tower of London, the borough of Southwark, and for the said counties of Middlesex, Essex, Kent, and Surrey, if they shall think fit, to certify, transmit, and deliver to the said justices and judges of oyer and terminer and gaol delivery any indictment or presentment found or taken before them at their said respective general or quarter sessions of the peace, or at any adjournment thereof, for any offence or offences cognizable by the said justices and judges of oyer and terminer and gaol delivery by virtue of this Act, in the same manner to all intents and purposes as the said justices of the peace might or could do if the said court of oyer and terminer and gaol delivery was holden in the county where such indictments or presentments were found or taken.

Justices of the peace may deliver over indictments found at sessions for offences triable under this Act to the justices and judges under this Act.

XX. AND be it further enacted, that it shall be lawful for the said justices and judges of oyer and terminer and gaol delivery, in sessions assembled, and they are hereby authorized and required, to ascertain, make, and settle a table of fees and allowances to be received and taken by the several officers of the said court, and from time to time to alter and vary the same as may to them appear just and reasonable, which said table of fees and allowances shall be hung up in the court of sessions, and a copy thereof transmitted to the clerks of the peace of the said counties of Middlesex, Essex, Kent, and Surrey; or it shall be lawful for the said justices and judges to ascertain, make, and settle a salary in lieu of such fees and allowances, to be paid to the said officers or either of them for the performance of their respective duties, as to the said justices and judges of oyer and terminer and gaol delivery shall seem reasonable and just, and to order and direct how and in what manner and by whom such fees and allowances or salary shall be paid, and also to order and direct such portion as they shall think fit of the expence of preparing calendars and sessions papers, and of other expences incident to this Act, to be borne and paid by the treasurer of each of the said counties, and such portion shall be paid by such treasurers accordingly: Provided nevertheless, that the county

Justices to settle officers fees or salaries, and direct how the same shall be paid.

Payment of other expences under this Act.



of Middlesex shall not be liable to any portion of the expence of preparing calendars or sessions papers, or of any other expences incident to this Act, to which the said county would not have been liable in case this Act had not been passed.

Sessions of the peace not to be affected by the sessions held in pursuance of this Act.

Other commissions of oyer and terminer and gaol delivery in counties of Essex, Kent, and Surrey not to be affected;

but commissioners thereunder not to be required to try offenders triable under this Act.

Central Criminal Court may try offences committed on the high seas.

XXI. PROVIDED nevertheless, and be it further enacted, that nothing herein contained shall hinder or prevent, or shall be construed to hinder or prevent, the justices of the peace for the said cities of London and Westminster, the liberty of the Tower of London, the borough of Southwark, and the said counties of Middlesex, Essex, Kent, and Surrey, from holding their respective general or quarter sessions of the peace in their respective jurisdictions during the sitting of the said court of oyer and terminer and gaol delivery to be held in pursuance of this Act; and that neither this Act, nor the commissions of oyer and terminer and gaol delivery from time to time to be issued under the authority of this Act, shall supersede, interfere with, or affect any other commission or commissions of oyer and terminer to be at any time issued by his said Majesty, his heirs and successors, in the said counties of Essex, Kent, and Surrey, or the jurisdiction by virtue thereof, nor hinder or prevent the justices of oyer and terminer to be from time to time appointed by any commission to be issued under the authority of this Act from holding their respective sessions at one and the same time, it being the true intent and meaning of this Act, that the justices to be named and appointed in and by any other commissions of oyer and terminer and gaol delivery to be hereafter issued in the said counties of Essex, Kent, and Surrey, shall have the like power and jurisdiction to inquire of, hear, and determine all offences by virtue of such commissions which they would have had if this Act had not been made: Provided nevertheless, that they shall not be required or obliged to inquire of, hear, and determine, or to deliver the respective gaols or prisons of the same last-mentioned counties of any person or persons whose offence or offences is, are, can, or may be inquired of, dealt with, tried, and determined under and by virtue of the commissions of oyer and terminer and gaol delivery to be from time to time issued under the authority of this Act.

XXII. AND whereas it is expedient that persons charged with certain offences committed on the high seas and other places within the jurisdiction of the admiralty of England should speedily be brought to trial: Be it therefore enacted by and with the authority aforesaid, that it shall and may be lawful for the justices and judges of oyer and terminer and gaol delivery to be named in and appointed by the commissions to be issued under the authority of this Act, or any two or more of them, to inquire of, hear, and determine any offence or offences committed or alleged to have been committed on the high seas, and other places, within the jurisdiction of the admiralty of England, and to deliver the gaol of Newgate of any person or persons committed to or detained therein for any offence or offences alleged to have been done and committed upon the high seas aforesaid within the jurisdiction of the admiralty of England; and all indictments found and trials and other proceedings had and taken by and before the said justices and judges of oyer and terminer and gaol delivery shall be valid and effectual to all intents and purposes whatsoever; and that it shall and may be lawful for any three of the said justices and judges of oyer and terminer and gaol delivery to order and direct the payment of the costs and expences of such prosecutions in manner

prescribed and directed by the before-recited Act of the seventh of George the Fourth.

XXIII. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to prejudice or affect the rights, interests, privileges, franchises, or authorities of the lord mayor, aldermen, and recorder of the city of London, or their successors, the sheriffs of the city of London and county of Middlesex, for the time being, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of making this Act the said lord mayor, aldermen, and recorder for the time being, of the said city, did or might lawfully use or exercise; and that, notwithstanding any practice or custom of the said city of London to the contrary, it shall be lawful for the lord mayor's court of the city of London to sit on any day on which any session of the peace, oyer and terminer and gaol delivery shall be held within the said city; and that all proceedings of the said lord mayor's court that could or might have been had or taken if such sessions were not held, shall and may be had and taken, any practice, custom, or law to the contrary notwithstanding.

Saving the rights and privileges of lord mayor, &c. of London.

XXVI. AND be it enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

#### CHAPTER XXXIX.

AN ACT to give Costs in Actions of Quare impedit.

[30th July 1834.]

WHEREAS the delay and expence of recovering advowsons, and the rights of patronage and presentation to ecclesiastical benefices by actions of quare impedit, are much increased by reason of the defendants in such actions not being liable for the payment of costs, and the true patrons are thereby frequently deterred from the prosecution of their just rights; and it is also expedient to afford further protection to incumbents of advowsons from vexatious and unfounded proceedings to disturb them in the enjoyment thereof: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all writs and actions of quare impedit issued or brought from and after the passing of this Act in England, Wales, or Ireland, where a verdict shall pass or be given for the plaintiff or plaintiffs in any such writ or action, the plaintiff or plaintiffs in every such writ or action, in addition to the damages to which he or they is or are by law now entitled, shall also have judgment to recover his or their full costs and charges against the defendant or defendants therein, to be assessed, taxed, and levied in such manner and form as costs in personal actions are now by law assessed, taxed, and levied; and where in any such writ or action the plaintiff or plaintiffs therein shall discontinue, or be nonsuited, or a verdict shall be had against him or them, that then the defendant or defendants in every such writ or action shall have judgment to recover his or their full costs and charges against the plaintiff or plaintiffs therein, to be assessed, taxed, and levied in manner aforesaid: Provided always,

Plaintiffs may recover costs in actions of quare impedit.

If plaintiff is nonsuited, &c. defendant to have judgment for his costs.

No costs  
against eccle-  
siastical per-  
sons where it is  
certified that  
they had prob-  
able cause  
for defending.

that no judgment for costs shall be had against any archbishop, bishop, or other ecclesiastical patron or incumbent, if the judge who shall try the cause, or if there shall be no trial by a jury, the court in which judgment shall be given, shall certify that such archbishop, bishop, or other ecclesiastical patron or incumbent had probable cause for defending such action; but in no case when the defence to any such action shall be grounded upon a presentation or presentations, collation or collations, previously made to any benefice, shall such presentation or presentations, collation or collations, be deemed or considered probable cause for defending such action.

## CHAPTER XL.

AN ACT to amend an Act of the Tenth Year of his late Majesty King George the Fourth to consolidate and amend the Laws relating to Friendly Societies. [\*]

[30th July 1834.]

10 Geo. 4.  
c. 56.

WHEREAS it is expedient to alter and amend an Act made in the tenth year of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate and amend the laws relating to friendly societies": . . . . .

\* \* \* \* \*

Two transcripts  
of rules or  
alterations to  
be submitted to  
a barrister, &c.,  
by whom they  
are to be cer-  
tified.

IV. AND be it further enacted, that two transcripts, fairly written on paper or parchment, of all rules made in pursuance of the said recited Act or this Act, signed by three members, and countersigned by the clerk or secretary, (accompanied, in the case of an alteration or amendment of rules, with an affidavit of the clerk or secretary or one of the officers of the said society that the provisions of the said recited Act, or of the Act under which the rules of the society may have been enrolled, have been duly complied with,) with all convenient speed after the same shall be made, altered, or amended, and

[\* By 6 & 7 Will. 4. c. 32. s. 4., it is enacted, that all the provisions of 10 Geo. 4. c. 56., and also the provisions of this Act, so far as the same or any part thereof may be applicable to the purpose of any benefit building society, and to the framing, certifying, enrolling, and altering the rules thereof, shall extend and apply to such benefit building society and the rules thereof, in such and the same manner as if the provisions of the said Acts had been therein expressly re-enacted.

By 9 & 10 Vict. c. 27. s. 8., it is enacted, that so much of 10 Geo. 4. c. 56., and of this Act, as specifies the objects or purposes for which a society may be established under the provisions of the said Acts or either of them, or as gives to any court of sessions of the peace any power of confirming and allowing the rules of any such friendly society rejected or disapproved by the barrister or advocate appointed to certify the rules of friendly societies, shall be repealed; with a proviso, that the repeal of so much of the said Acts as is therein repealed shall not exclude from the benefit of the said Acts any society legally established according to the provisions of the said Acts, the rules of which were certified and enrolled before the passing of the repealing Act.

The whole Act is rep., 13 & 14 Vict. c. 115. s. 1., except so far as the same may be applicable to any benefit building society established under 6 & 7 Will. 4. c. 32.; with a proviso that its provisions, except as therein-after provided, shall continue in force as to all societies established under it before the passing of the repealing Act.

By 17 & 18 Vict. c. 56. s. 2., it is enacted, that "the several provisions contained in the Acts relating to friendly societies which were wholly or in part in force on the first day of the present session of Parliament with respect to the societies intended to be affected and provided for by this Act shall, so far as they now affect such societies, remain and be in force and unrepealed with respect to the said societies, except as is herein-after provided."

The whole Act is rep., 18 & 19 Vict. c. 63. s. 1.]

so from time to time after every making, altering, or amending thereof, shall be submitted, in England and Wales and Berwick-upon-Tweed, to the barrister at law for the time being appointed to certify the rules of saving banks, and in Scotland to the lord advocate or any depute appointed by him for that purpose, and in Ireland to such barrister as may be appointed by his Majesty's attorney general in Ireland, for the purpose of ascertaining whether the said rules of such society, or alteration or amendment thereof, are calculated to carry into effect the intention of the parties framing such rules, alterations, or amendments, and are in conformity to law and to the provisions of the said recited Act or this Act; and that the said barrister or advocate shall advise with the said clerk or secretary, if required, and shall give a certificate on each of the said transcripts, that the same are in conformity to law and to the provisions of the said recited Act and this Act, or point out in what part or parts the said rules are repugnant thereto; and that the barrister or advocate, for advising as aforesaid, and perusing the rules or alterations or amendments of [the rules of each respective society, and giving such certificates as aforesaid, shall demand no further fee than that specified in the said recited Act; and one of such transcripts, when certified by the said barrister or advocate, shall be returned to the society, and the other of such transcripts shall be transmitted by such barrister or advocate to the clerk of the peace for the county wherein such society shall be formed, and by him laid before the justices for such county at the general quarter sessions, or adjournment thereof, held next after the time when such transcript shall have been so certified and transmitted to him as aforesaid; and the justices then and there present are hereby authorized and required, without motion, to allow and confirm the same; and such transcript shall be filed by such clerk of the peace with the rolls of the sessions of the peace in his custody, without fee or reward; and that all rules, alterations, and amendments thereof, from the time when the same shall be certified by the said barrister or advocate, shall be binding on the several members and officers of the said society, and all other persons having interest therein.

V. PROVIDED always, and be it enacted, that the said barrister shall be entitled to no further fee for or in respect of any alteration or amendment of any rules upon which one fee has been already paid to the said barrister within the period of three years: Provided also, that if any rules, alterations, or amendments are sent to such barrister or advocate, accompanied with an affidavit of being a copy of any rules or alterations or amendments of the rules of any other society, which shall have been already enrolled under the provisions of the said recited Act or this Act, the said barrister or advocate shall certify and return the same as aforesaid, without being entitled to any fee for such certificate.

\* \* \* \* \*

VII. AND whereas in and by the said recited Act provision is directed to be made by the rules of every society whether reference of any matter in dispute shall be made to justices or to arbitrators: And whereas it is expedient that further provision should be made in case the reference is to arbitrators: Be it therefore enacted, that when the rules of any society provide for a reference to arbitrators of any matter in dispute, and it shall appear to any justice of the peace, on the complaint on oath of a member of any such society, or of any person claiming on account of such member, that application has been made to such society, or the steward or other officer thereof, for the purpose of having any dispute so settled by arbitration, and that such application has not within forty days been complied with, or that the arbitrators have neglected or refused to make any award, it shall and may be lawful for such justice to summon the trustee, treasurer, steward, or other officer of the society, or any one of them, against whom the complaint is made, and for any two justices to hear and determine the matter in dispute, in the same manner as if the rules of the said society had directed that any matter in dispute as aforesaid should be decided by justices of the peace, anything in the said recited Act contained to the contrary notwithstanding.

VIII. AND be it further enacted, that in case any member of a friendly society established under the said recited Act or this Act shall have been expelled from such society, and the arbitrators or justices, as the case may be, shall award or order that he or she shall be reinstated, it shall and may be lawful for such arbitrators or justices to award or order, in default of such reinstatement, to the member so expelled, such a sum of money as to such arbitrators or justices may seem just and reasonable; which said sum of money, if not paid, shall be recoverable from the said society, or the treasurer, trustee, or other officer, in the same way as any money awarded by arbitrators is recoverable under the said recited Act.

\* \* \* \* \*

Barrister, &c.  
to certify both  
transcripts.

Fee payable to  
barrister.

One transcript  
to be returned  
to society, the  
other to be  
sent to clerk  
of peace.

Justices to  
confirm rules.

Transcript to  
be filed.

Rules, &c. to  
be binding  
when certified  
by barrister.

Barrister not  
to be entitled  
to fee in respect  
of alterations  
within three  
years, nor  
for certificate  
to rules  
being copies of  
those already  
enrolled.

10 Geo. 4.  
c. 56. s. 27.

If rules of  
society direct  
reference in  
case of dispute  
to arbitration,  
and society  
refuse to refer,  
or arbitrators  
neglect or  
refuse to make  
award, justices  
may determine  
the dispute.

In case member  
of society  
is expelled,  
and arbitrators  
or justices  
direct that he  
be reinstated,  
a sum may be  
awarded to  
him instead.

Executors, &c.  
of officers of  
friendly society  
to pay money  
due to society  
before any  
other debts.

XII. AND be it further enacted, that if any person already appointed or who may hereafter be appointed to any office in a society established under the said recited Act or this Act, and being entrusted with the keeping of the accounts, or having in his hands or possession, by virtue of his said office or employment, any monies or effects belonging to such society, or any deeds or securities relating to the same, shall die, or become a bankrupt or insolvent, or have any execution or attachment or other process issued, or action or diligence raised, against his lands, goods, chattels, or effects, or property or estate, heritable or moveable, or make any assignment, disposition, assignation, or other conveyance thereof for the benefit of his creditors, his heirs, executors, administrators, or assignees, or other persons having legal right, or the sheriff or other officer executing such process, or the party using such action or diligence, shall, within forty days after demand made in writing by the order of any such society or committee thereof, or the major part of them assembled at any meeting thereof, deliver and pay over all monies and other things belonging to such society to such person as such society or committee shall appoint, and shall pay, out of the estates, assets, or effects, heritable or moveable, of such person, all sums of money remaining due which such person received by virtue of his said office or employment, before any other of his debts are paid or satisfied, or before the money directed to be levied by such process as aforesaid, or which may be recovered or recoverable under such diligence, is paid over to the party issuing such process or using such diligence; and all such assets, lands, goods, chattels, property, estates, and effects shall be bound to the payment and discharge thereof accordingly.

\* \* \* \* \*

Construction  
of words in the  
Act.

XV. AND be it further enacted, that wherever in the said recited Act or this Act, in describing or referring to any person, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, unless there be something in the subject or context repugnant to such construction.

\* \* \* \* \*

## CHAPTER XLI.

AN ACT to regulate the Appointment of Ministers to Churches in Scotland erected by voluntary Contribution. [30th July 1834.]

WHEREAS in many parishes in Scotland the means of public worship provided by the Established Church of Scotland are inadequate to the extent of the population; and it is expedient to encourage the erection of additional places of worship by voluntary contribution: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that where any church, chapel, or other place of worship in Scotland, built or acquired and endowed by voluntary contribution, shall, according to the provisions of the existing law, be erected into a parochial church, either as an additional church within a parish already provided with a parochial church, or as the church of a separate parish to be erected out of a part or parts of any existing parish or parishes, whether the same be established and erected merely quoad spiritualia by the authority of the church courts of the Established Church of Scotland, or also quoad temporalia by authority of the lords of council and session, as commissioners of teinds, neither the King's Majesty, nor any private person, nor any body politic or corporate, having right to the patronage of the parish or parishes within which such additional churches shall be established, or out of which such new parishes shall be erected, shall have any claim, right, or title whatsoever to the patronage of such newly-established churches or newly-erected

Ministers to  
places of wor-  
ship in Scot-  
land built by  
voluntary con-  
tribution, to  
be appointed  
according to  
the mode pre-  
scribed by the  
church courts.

parishes; but the appointment of ministers thereto shall be made according to the manner and subject to the conditions which shall be or have been prescribed by the said church courts, subject always to such alterations as shall be made by them according to the laws of the church from time to time: Provided always, that nothing in this Act contained shall extend or be construed to extend to depriving his Majesty, or others, patrons of parishes in Scotland, of their right to present ministers to the existing parochial churches thereof: Provided always, that neither any part of the stipends of ministers appointed for the service of any such additional churches to be erected by voluntary contribution as aforesaid, nor any charge for the support or repairs of any such church, school house, or other building appertaining to the same, nor for the erection or support or repairs of any manse or building for the residence of such ministers, nor for the provision of any glebe for any of such ministers aforesaid, nor for the support of any schoolmaster, shall be imposed on or become chargeable on the teinds or to the heritors of any parish or magistrates of towns in which any such church as aforesaid shall be erected or endowed by voluntary contribution as aforesaid: Provided also, that nothing herein contained shall be construed to limit or affect the powers of the commissioners of teinds exercised under and according to the provisions of the Act of the Scottish Parliament, sixth of Queen Anne, c. 9., intituled "An Act anent the plantation of kirks and valuation of teinds."

Saving the rights of patrons of existing parochial churches.

No additional charge to be imposed on teinds or heritors of parishes, &c. in which churches are erected by voluntary contribution.

Act not to affect powers of commissioners of teinds under Scotch Act, 6 Ann. c. 9.

II. PROVIDED always, and be it enacted, that in every church or chapel which may be erected under the authority of this Act not less than one fifth part of the sittings therein shall be at rents to be fixed by the said church courts.

One fifth of sittings to be at rents fixed by church courts.

III. PROVIDED always, and be it further enacted, that this Act shall not extend to any church or chapel built and endowed in any parish by the patron thereof; who shall retain every right to which he would have been legally entitled had this Act never been passed into law.

Act not to extend to churches built in any parish by the patron.

IV. AND be it enacted, that if in any parish a church or chapel shall be built and endowed at the joint expence of the patron thereof and of one or more heritors therein, and of no other persons, the legal rights of the patron shall take full effect as aforesaid, unless an objection shall be transmitted in writing to the moderator of the presbytery of the bounds, and signed by such a number of the heritors as shall have contributed one fourth part of the whole sum laid out or to be expended in the said building and endowment, in which case the said church or chapel shall fall within the provisions of this Act.

Proviso as to rights of patrons where churches are built by patron and heritors only.

## CHAPTER XLII.

AN ACT to facilitate the taking of Affidavits and Affirmations in the Court of the Vice-Warden of the Stannaries of Cornwall. [30th July 1834.]

**W**HEREAS suitors and others having business in the courts of the stannaries, held by the vice-warden of the said stannaries, can make affidavits or affirmations relating thereto before the vice-warden only; and it is expedient, and will be for the benefit of such suitors and others, that other persons as well as the said vice-warden have authority to take such affidavits or affirmations: Be it therefore enacted by the King's most excellent Majesty, by

Commissioners of superior courts of common law at Westminster, &c., having commissions from vice-warden of the stannaries, may take affidavits in suits in the court of the vice-warden.

Persons swearing falsely before them shall be guilty of perjury.

and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that any commissioner of any of the superior courts of common law at Westminster, having by commission from such courts or any of them authority to take affidavits in matters relating to such courts or any of them, may, without fee or reward, apply for and have, by commission from the said vice-warden, under the seal of the stannaries kept by him, authority to take affidavits or affirmations in all suits and matters relating thereto brought into the court of the said vice-warden by way of appeal from the courts of the stewards of the said stannaries; and that any master extraordinary of his Majesty's High Court of Chancery may, without fee or reward, apply for and have, by like commission from the said vice-warden, authority to take affidavits or affirmations in all other suits, petitions, or matters to be commenced or being in the court of the said vice-warden; and that all and every person and persons wilfully swearing or affirming falsely in any affidavit to be made before any person so authorized to take affidavits or affirmations as aforesaid shall be deemed guilty of perjury, and be liable to the penalties of perjury, and be therefore prosecuted in any court of competent jurisdiction.

\* \* \* \* \*

Public Act.

III. AND be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others.

#### CHAPTER XLIII.

AN ACT to authorize Persons duly appointed to act as Justices of the Peace in the Islands of Scilly, although not qualified according to Law.

[13th August 1834.]

5 Geo. 2. c. 18.

18 Geo. 2.  
c. 20.

Persons duly appointed may act as justices

WHEREAS the islands of Scilly in the county of Cornwall are situated at a considerable distance from the coast of the said county, and great inconvenience to the inhabitants of the said islands and frequent delays in the administration of justice arise by reason of there being no justice or justices of the peace resident in the said islands or any of them, or persons therein resident possessed of such qualification as is required by a certain Act passed in the fifth year of the reign of his Majesty King George the Second, intituled "An Act for the further qualification of justices of the peace," and by a certain other Act passed in the eighteenth year of the reign of his said late Majesty King George the Second, intituled "An Act to amend and render more effectual an Act passed in the fifth year of his present Majesty's reign, intituled 'An Act for the further qualification of justices of the peace'": And whereas it is expedient that justices duly appointed in and for the county of Cornwall should be authorized to act as justices of the peace within the said islands, although such persons should not be qualified according to the provisions of the said recited Acts or either of them: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for all persons, who shall after the passing of this Act be duly appointed

in such and the same manner as other justices of the peace acting in and for the said county of Cornwall are now appointed, to act as such justices of the peace in and for the said islands of Scilly, and in relation to all felonies, misdemeanors, offences, and trespasses, and all other matters and things happening or arising in the said islands of Scilly, in which justices of the peace have jurisdiction or authority as justices of the peace, without being qualified in respect of property, or taking the oath required as to such qualification, and without being subject to any penalties or forfeitures or disabilities in the said Acts or either of them specified; any thing in the said Acts or either of them to the contrary notwithstanding.

in the Scilly islands although not qualified.

II. AND be it further enacted, that all acts, matters, and things done by any such justice acting in and for the said islands of Scilly in relation to any felonies, misdemeanors, offences, and trespasses, or other matters and things happening or arising within the said islands of Scilly, and within the jurisdiction or authority of justices of the peace, shall be good, valid, and effectual in law, to all intents and purposes, in the said county of Cornwall, as if such justices had been and were duly qualified according to the provisions of the said recited Acts, and taken the oath in the said last-recited Act specified, although such justices shall not be qualified in respect of property, and shall not have taken the oath relating thereto; any thing in the said recited Acts or either of them to the contrary notwithstanding.

All acts done by them to be valid.

## CHAPTER XLVI.

AN ACT to amend an Act passed in the Fifty-eighth Year of King George the Third, for establishing Fever Hospitals, and to make other Regulations for Relief of the suffering Poor, and for preventing the Increase of Infectious Fevers, in Ireland. [13th August 1834.]

**W**HEREAS an Act was passed in the fifty-eighth year of the reign of his Majesty King George the Third, intituled "An Act to establish fever hospitals, and to make other regulations for the relief of the suffering poor, and for preventing the increase of infectious fevers, in Ireland": And whereas by the said recited Act it is amongst other things provided, that it shall and may be lawful for every archbishop and bishop in Ireland to grant any portion of ground or land within any county, city, or town respectively, not exceeding four roods, out of the estates of their respective sees, to any body politic and corporate created by virtue of the said recited Act, for such estates and on such terms as therein mentioned, for the sites of houses to be built for the reception of the helpless poor intended to be relieved under the provisions of the said recited Act: And whereas it has been found that the quantity of land or ground which such archbishops or bishops are by the said Act so enabled to grant is insufficient for the purposes of the said recited Act, and it is expedient that the said recited Act should be amended in that and in other respects: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for every archbishop and bishop in Ireland and they are respectively authorized and empowered

58 Geo. 3.  
c. 47.

Bishops, &c.  
in Ireland may  
grant six roods



of land out of  
their sees for  
sites of houses  
for reception of  
poor under  
recited Act.

to grant, out of the estates of their respective sees, any portion of ground or land, not exceeding six roods, plantation measure, to any body politic and corporate created under the said recited Act, for the sites of houses to be built for the reception of the helpless poor intended to be relieved under the provisions of the said recited Act, for such estate or estates, either in fee, for lives renewable or not renewable, or for years, as they shall think fit, at such rent and fines as such archbishop or bishop shall think fit, or without any rent or fine, if such archbishop or bishop shall think fit; and all such grants or leases shall have the same validity and effect as any grants or leases which such archbishops or bishops are authorized and empowered to make under the provisions of the said recited Act; and it shall be lawful for any such body politic or corporate to purchase, take, hold, and enjoy any quantity of ground or land within any such county, city, or town, not exceeding six roods, plantation measure, for the purposes aforesaid; the statute of mortmain or any other statute or law to the contrary notwithstanding.

Tenants for  
life, &c. may  
demise six  
roods of land  
for same pur-  
pose, at full  
improved  
yearly value.

II. AND whereas it is expedient that tenants for particular estates should be enabled to demise lands for the purposes of the said recited Act: Be it therefore enacted, that it shall and may be lawful for any tenant for life or lives, or tenant in tail, or tenant for any determinable fee of any lands or tenements within any county, city, or town in Ireland, and he and they are hereby authorized and empowered, to demise any portion of such lands or tenements, not exceeding six roods, plantation measure, to any body politic and corporate created under the provisions of the said recited Act, to be held by such body politic or corporate for the purposes in the said recited Act mentioned, either for life or lives or years, or for lives renewable or not renewable, as they shall think fit, reserving thereout such yearly rent as shall be agreed upon by and between such person or persons and such corporation respectively: Provided always, that no fine shall be taken or paid on the making any such lease or demise, and that the rent reserved on such lease or demise shall not be less than the full improved yearly value of such lands or tenements at the time of making the same; and each and every such lease or demise shall be good and valid against all persons claiming or who may hereafter claim such lands or hereditaments in reversion, expectancy, or remainder; any other law or usage to the contrary notwithstanding.

Voting by sub-  
scribers to  
fever hospitals  
at elections of  
officers.

III. AND be it further enacted, that no person who shall become a subscriber to any such hospital at any time after the passing of this Act, shall be permitted to vote at the election of any surgeon, physician, apothecary, or other officer or person to be employed or retained in or about such fever hospital, unless he or she shall have respectively been a subscriber to such hospital for one year at least before such election shall take place.

## CHAPTER XLVII

AN ACT for preventing the Interference of the Spring Assizes with the April Quarter Sessions.

[13th August 1834.]

11 Geo. 4. &  
1 Will. 4. c. 70.

WHEREAS by an Act passed in the first year of the reign of his present Majesty, intituled "An Act for the more effectual administration of justice in England and Wales," it is directed, that the justices of the peace in every county, riding, or division for which quarter sessions of the peace

ought by law to be held shall hold their general quarter sessions of the peace (among other times) in the first week after the twenty-eighth day of December and in the first week after the thirty-first day of March: And whereas in some counties of England and Wales the time usually fixed for holding the spring assizes interferes with the due holding of the last-mentioned quarter sessions; and although the justices of the peace have authority to hold general sessions of the peace at other times of the year besides those specified in the said recited Act, such sessions are not quarter sessions within the intent of various Acts of Parliament which give jurisdiction to justices of the peace in their quarter sessions or in their general quarter sessions; and for the purpose of preventing the inconvenience arising from such interference as aforesaid it is expedient to allow to the justices of the peace a discretion as to the time of holding their general quarter sessions, which they are now required to hold in the week next after the thirty-first day of March: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in every county, riding, or division for which general quarter sessions ought to be held, it shall be lawful for the justices assembled in their general quarter sessions in the week next after the twenty-eighth day of December in every year to name (if they shall see occasion so to do) two justices of the peace who shall be empowered, as soon as may be after the time for holding the spring assizes shall be appointed, to fix the day for holding the next general quarter sessions of the peace for such county, riding, or division, so as such time shall not be earlier than the seventh day of March nor later than the twenty-second day of April, and to give notice of the day so fixed by advertisement in such newspapers as shall be directed by the justices so assembled; and in every such case the general quarter sessions held on the day so fixed and notified shall be valid, and it shall not be necessary to hold any sessions of the peace for such county, riding, or division in the week next after the the thirty-first day of March, any thing in the said recited Act to the contrary notwithstanding: Provided always, that in every county, riding, and division where no other day shall be fixed in the manner herein-before mentioned, the justices of the peace shall hold their general quarter sessions of the peace in the week next after the thirty-first day of March, as by the said recited Act they are required.

Justices at epiphany sessions may name two of their body to fix the day for holding the next general quarter sessions.

Proviso.

## CHAPTER LI.

AN ACT to amend the Laws relating to the Collection and Management of the Revenue of Excise.

[13th August 1834.]

WHEREAS an Act was passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate and amend the laws relating to the collection and management of the revenue of excise throughout Great Britain and Ireland," which said Act requires to be amended: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all the powers and authorities by the

7 & 8 Geo. 4. c. 53.

All acts required to be

done by commissioners, &c. in Scotland and Ireland shall be done by general commissioners.

Three commissioners to constitute a board.

Commissioners and officers of excise not to be required to take parish apprentices.

In what manner entry of premises, &c. is to be made.

Penalty for using any premises or utensils without having made entry thereof, 200*l*.

Penalty for using premises or utensils for any other purpose than that for which they are entered, 100*l*.

Not more than one entry to be in force for the same premises.]

said recited Act vested in, and all orders, matters, and things thereby directed to be given or done by, the commissioners and assistant commissioners of excise in Scotland and Ireland respectively, are and shall be vested in, given, and done by the commissioners of excise appointed or to be appointed under the said recited Act.

II. AND be it further enacted, that any three or more of the commissioners of excise shall constitute a board of commissioners of excise, and shall have full power and authority to act as a board of commissioners, and to order and direct and do and to permit to be done throughout the United Kingdom, or in any part thereof, all acts, matters, and things relating to the revenue of excise, as fully and effectually as if ordered, directed, and done, or permitted to be done, by a board of four of the said commissioners of excise, as required by the said recited Act.

III. AND be it further enacted, that no commissioner of excise or officer of excise, or person employed in the collection or management of, or recovering or accounting for, comptrolling or auditing the revenue of excise, or any part thereof, shall, during the time of his acting as such commissioner or officer, or being so employed as aforesaid, be compelled to receive any parish apprentice, or to take any child as an apprentice or servant, nor be subject to any penalty for refusing to execute any indenture for binding to him any person as an apprentice or servant, any law or statute to the contrary notwithstanding.

\* \* \* \* \*

V. AND be it further enacted, that every person carrying on any trade or business under or subject to any law or laws of excise, and required by any Act or Acts relating to the revenue of excise to make entry at the next office of excise, or to give notice to the officers of excise, of any house, building, place, vessel, or utensil used in carrying on such trade or business, shall make such entry by delivering such true and particular account as by the Act or Acts relating to such trade or business is required to the officer of excise in whose survey such house, building, place, vessel, or utensil shall be intended to be used ; . . . . .

VI. AND be it further enacted, that every person carrying on any trade or business under or subject to any law or laws of excise, who shall make use of any house, building, or place, vessel or utensil, of which entry is required to be made or notice given by any Act or Acts relating to the revenue of excise, without having made entry thereof in manner herein-before directed, shall for every such unentered house, building, or place, vessel or utensil, forfeit two hundred pounds.

VII. AND be it further enacted, that every person carrying on any trade or business under or subject to any law or laws of excise, who, having made entry of any house, building, or place, vessel or utensil, or other thing, shall in the carrying on such trade or business fraudulently make use of any such house, building, or place, vessel or utensil, or other thing, for any other or different purpose than the particular use or purpose for which the same shall have been entered, shall forfeit one hundred pounds.

VIII. AND be it further enacted, that when any person or persons shall have made entry of any building, room, place, vessel, or utensil for the carrying on any trade or business in respect of which any entry is by any Act or Acts of Parliament relating to the revenue of excise required, it shall not be

lawful during the continuance of such entry for any other person or persons (except persons becoming partners in the same trade or business in respect of which the entry shall already have been made) to make entry of the same building, room, or place, vessel or utensil, for the carrying on of any other trade or business of the same or any other description subject to the survey of excise; but every such subsequent entry made whilst such former entry is in force shall be null and void to all intents and purposes.

IX. PROVIDED always, and be it further enacted, that where any person who shall have made entry of any premises for carrying on any trade or business subject to the survey of the excise, shall abscond or shall quit possession of such premises, and discontinue the trade or business in respect of which such entry was made, without having withdrawn such entry, it shall be lawful for any other person, with the consent and approbation of the commissioners of excise, to make entry of the said premises for carrying on any trade or business subject to the survey of the excise; and in such case the former entry shall be deemed to have been withdrawn, and shall become null and void.

If trader absconds or quits entered premises without withdrawing the entry, any other person may, with consent, make entry of the premises.

\* \* \* \* \*

XI. AND be it further enacted, that every person carrying on any trade or business under or subject to any law or laws of excise shall pay and clear off the duty or duties in that behalf imposed by any Act or Acts of Parliament respectively, and charged upon or incurred by such person, at such time and place and to such person respectively as shall for that purpose be specially directed by any Act or Acts of Parliament relating to such duties, or as shall be from time to time directed by the commissioners of excise, whether payment of such duties shall have been or shall be secured by bond or otherwise, in pursuance of any Act or Acts of Parliament, or not; and if any such person shall not pay and clear off such duty or duties at such time and place and to such person respectively as aforesaid, or upon demand made, under order of the commissioners of excise, by any general surveyor of excise where the trade or business shall be carried on within the limits of the chief office of excise, or elsewhere by the collector of excise in whose collection such trade or business shall be carried on, or the officer of excise in charge for the time being of such collection, or by any officer of excise authorized and directed by such collector or officer in charge to make such demand, whether such demand shall be made personally of such person, or shall be left at his dwelling house, or at the premises where such duty or duties shall have been charged, every such person shall forfeit and lose double the value of the duty or duties so neglected to be paid and cleared off as aforesaid.

Excise traders shall pay their duties at such time and place and to such person as shall be appointed, or upon demand made by order of the commissioners, on pain of forfeiting double duty.

XII. AND be it further enacted, that all goods which shall be removed or deposited or concealed, or which shall be produced to any officer of excise or customs with intent fraudulently to obtain any drawback or allowance granted by any Act or Acts relating to the revenues of excise or customs, shall, with the casks, vessels, cases, or other packages containing the same, be forfeited; and every person who shall remove or deposit or conceal, or shall produce to any officer of excise or customs, any goods, with intent fraudulently to obtain any drawback or allowance granted by any Act relating to the revenues of excise or customs, shall forfeit treble the value of such goods or one hundred

Goods fraudulently removed or produced to obtain drawback shall be forfeited, with treble value or 100l.

pounds, at the election of the commissioners of excise or customs, or the person who shall inform or sue for the same.

Goods condemned for being adulterated or mixed with any prohibited ingredients to be destroyed. Reward to officer seizing the same.

XIII. AND be it further enacted, that all goods and commodities which shall be seized and condemned for or by reason of the same being adulterated or mixed with any unlawful or prohibited ingredients shall, after the condemnation thereof, be burned or otherwise effectually destroyed, and shall not be exposed to sale; and it shall be lawful in every such case for the commissioners of excise, under the directions of the lord high treasurer or commissioners of the Treasury, to distribute to and amongst the officers who shall have seized such goods or commodities a sum of money equal to the value of the said goods or commodities, or such greater or lesser reward as by the said lord high treasurer or commissioners of the Treasury shall be deemed expedient.

Power in certain cases to reward officers detecting private manufactories.

XIV. AND be it further enacted, that where any person shall be arrested and detained by any officer or officers of excise for being found in any private or unentered place, knowingly aiding or in anywise concerned in the manufacturing of any goods or commodities for or in respect of which any duties of excise are or shall be imposed, and such person shall be convicted in the penalty of thirty pounds or sixty pounds imposed for such offence, but shall not pay the same, it shall be lawful for the commissioners of excise, with the consent and approbation of the commissioners of his Majesty's Treasury, if they shall see fit, to cause a reward not exceeding a moiety of the penalty so imposed to be paid to the officer or officers by whom and at whose instance such person shall have been arrested and detained and convicted; and in case any officer or officers of excise shall seize any such goods or commodities, or any materials for the manufacture thereof, in any private or unentered place, but shall not at the same time arrest or detain any such person, or if any person arrested or detained shall not be convicted, it shall be lawful for the said commissioners of excise, with the consent and approbation aforesaid, if they shall see fit, to cause a reward not exceeding five pounds to be paid to such officer or officers.

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Constable or peace officer not assisting officer of excise when required, to forfeit 20l.

XVI. AND be it further enacted, that if, upon notice given or request made by any officer of excise to any constable, headborough, or other ministerial officer of the peace to go with him as such officer of excise, and to aid and assist him as such officer of excise in the due execution of any act or thing required or enjoined by any Act or Acts relating to the revenues of excise or customs to be done or prevented from being done, or which it shall be lawful for any officer of excise to do or to prevent from being done, such constable, headborough, or officer of the peace shall not go with such officer of excise, or shall not aid or assist him as aforesaid to the utmost of his power, such constable, headborough, or other officer of the peace so offending shall forfeit twenty pounds.

Where a defendant arrested under an attachment shall refuse to enter an appearance, he may be served with a copy of the information and a rule to plead; and in

XVII. AND be it further enacted, that where any defendant shall be arrested and imprisoned under any writ of attachment issued out of his Majesty's Court of Exchequer at Westminster, Edinburgh, or Dublin, for not entering an appearance to any proceedings commenced against him for the recovery of any duties of excise, or of any penalty incurred under any Act relating to the revenue of excise, and such defendant shall neglect or refuse to enter or cause to be entered an appearance on his behalf by the time when a rule to plead might, according to the course and practice of the court, have

been given if such defendant had caused an appearance to be entered in proper time, it shall be lawful for the solicitor of excise, on behalf of the attorney general, to cause a copy of the information, and also a rule to plead, to be served on such defendant by the same being delivered to the gaoler, keeper, or turnkey of the prison in which such defendant shall be confined, together with a notice setting forth that, unless such defendant shall appear and plead on or before the expiration of the rule to plead, which it shall be lawful for him to do without being required to take a copy of such information, judgment by default will be entered against him; and in case such defendant shall neglect to appear and plead at the expiration of the said rule it shall be further lawful for the solicitor of excise, on behalf of the attorney general, to cause an appearance to be entered for such defendant, and to enter up judgment against him as for want of plea, and thereupon to issue process of execution and proceed to charge such defendant in execution.

default of appearing and pleading, judgment may be entered up against him, and execution issued.

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XIX. AND be it further enacted, that every information for the recovery of any penalty, or for the condemnation of any seizure, shall be exhibited before the commissioners of excise, or justice or justices of the peace respectively, within four calendar months next after the offence or offences alleged in such information shall have been committed, or the goods, commodities, chattels, or things therein alleged to have been forfeited shall have been seized [Rep., 11 & 12 Vict. c. 118. s. 3.]; and a notice in writing of such information having been so exhibited shall be given to the person against whom the same shall have been exhibited within one week next after the exhibiting of such information; and the commissioners of excise, or justice or justices of the peace, before whom any such information shall be exhibited, are hereby respectively authorized and required to summon every person against whom any such information shall have been exhibited to appear and plead to and to attend the hearing of such information at a time and place to be named in such summons, which summons shall be served upon every such person or persons ten days at the least before the time appointed in such summons, and which summons may be added to or may include such notice as aforesaid, or may be separate and apart therefrom, and be served at another and different time, subsequent to the delivery of such notice, at the option of the prosecutor: Provided always, that where such information shall be exhibited for the recovery of double the value of any duty or duties neglected to be paid or cleared off, it shall be sufficient if such summons be served twelve hours at the least before the time appointed in such summons: And provided also, that in all cases it shall be deemed and taken to be sufficient delivery and service of any such notice and summons as aforesaid if a copy of the same be left at or upon the place used or occupied by any such person or persons respectively for carrying on his or their trade or business, or at the building or place where any such offence shall have been committed or such seizure made, or at the place of residence, or with the wife or child or servant of any such person or persons, the same being directed to such person or persons by the right or assumed name or names of such person or persons; or where any such offence shall have been committed or discovered in transit, or any seizure made in transit, and the place of business or residence of the offender shall be unknown to the person discovering such offence or making such seizure, it shall be sufficient if such notice and summons, or a copy thereof, be affixed at or upon such conspicuous part of the office of excise next to where such offence

Informations to be exhibited within four months after offence committed or seizure made.

Notice of information to be given, and parties to be summoned.

Service of notice and summons.

shall have been committed or discovered, or seizure made, directed to such offender or offenders by his or their right or assumed name or names, if the same shall be known to the prosecutor, and if not known, without any name or names.

Justices not authorized to mitigate the penalty of double duty for nonpayment of excise duties ;

nor to mitigate any other excise penalties except under special powers of mitigation.

Expenses of prosecution before commissioners of excise or justices of the peace, and rewards to officers, &c. may be ordered to be paid out of the revenue.

In case of the death, removal, or absence of any officer of excise in whose name any information may have been exhibited, the proceedings may be carried on by any other officer.

XX. AND whereas doubts have been entertained whether, under the provision of the said recited Act authorizing the mitigation of penalties to one fourth, the justices of the peace respectively, before whom any information may be exhibited for the recovery of double the value of any duty or duties of excise neglected to be paid or cleared off, have not power to mitigate the penalty of such double value : For determining of which doubts be it further enacted, that nothing in the said recited Act, or in any other Act or Acts relating to the revenue of excise, shall be construed to authorize or empower any justices of the peace, on the hearing and determining of any information for the recovery of double the value of any duty or duties of excise neglected to be paid or cleared off, to mitigate the said penalty of the double value of such duties, but the said justices shall in all cases convict the defendant or defendants in the full penalty of double the value of the duties which shall be proved to have been neglected to be paid and cleared off, and shall give judgment accordingly ; and no justice of the peace before whom any person having been arrested and detained under any Act or Acts relating to the revenue of excise, and liable to the payment of any penalty and in default of the immediate payment thereof to be committed to prison for a limited period, shall have any power or authority to mitigate such penalty, except where a special power for the mitigation of such penalty shall be given ; anything in the said recited Act or any other Act or Acts relating to the revenue of excise notwithstanding.

XXI. AND be it further enacted, that in any prosecution for recovery of any penalty incurred, or for the condemnation of any goods or chattels seized as forfeited under any Act of Parliament relating to the revenue of excise, and carried on before the commissioners of excise or any justices of the peace, the commissioners of excise may order the expenses of such prosecution to be paid out of the revenue of excise, and a sum of money to be paid to the officers concerned in such prosecution, or the persons through whose information the offence shall have been discovered or the seizure made, in the same manner as they are authorized to do in prosecutions carried on in the Court of Exchequer.

XXII. AND be it further enacted, that where in any case any information for the recovery of any penalty incurred, or the condemnation of any goods, commodities, articles, or things forfeited, under any law or laws relating to the revenue of excise, shall by order of the commissioners of excise be exhibited before the commissioners of excise, or before any justice or justices of the peace, and the officer of excise by whom or in whose name such information shall be or shall have been exhibited shall die, or be removed or discharged, or at the time of hearing may be absent, such information shall not, by such death, removal, or discharge, or by the absence of such officer, abate or be diminished, but all the proceedings on such information shall be continued and may be proceeded on by any other officer of excise in the name of the officer by whom the same shall have been exhibited ; and the said commissioners of excise and the justices shall, on the day named and

appointed in the summons to be issued in that behalf, proceed to hear and determine the matter of such information, and shall examine all such witnesses as shall be tendered to them for examination by any officer of excise in support of such information, notwithstanding such death, removal, or discharge, or the absence of the officer of excise by whom or in whose name such information shall be or shall have been exhibited; and all the proceedings on such information, and all proceedings for recovery of any penalty awarded thereon, or for the arrest and imprisonment of any defendant for nonpayment of such penalty, or for condemnation of any goods, commodities, articles, or things, shall be good, valid, and effectual.

XXIII. AND be it further enacted, that if there shall not be twenty days between the time of any judgment being given by any justices of the peace on any information exhibited to them and the next general quarter sessions of the peace, and the party against whom such judgment shall be given shall appeal against the same, then such appeal may be to the quarter sessions next after the expiration of twenty days from the giving of such judgment; and any notice of appeal shall be given by any officer of excise who shall attend and conduct the proceedings on the part of the revenue of excise, notwithstanding such officer may not be the officer named in the information as informing or exhibiting the same; and it shall be lawful for any court of quarter sessions before whom any appeal shall be brought to adjourn the hearing thereof to the next quarter sessions, then to hear and finally to determine the same.

Provisions as to appeal to quarter sessions against judgments given by justices of the peace on informations exhibited to them.

XXIV. AND whereas by the said recited Act commissioners of appeal and justices at the quarter sessions shall not at the hearing of any appeal examine any evidence or witness or witnesses other than or different from the evidence and the witness or witnesses which and who shall have been before examined before the commissioners of excise or justices of the peace respectively at the trial and hearing of the information upon which the original judgment appealed against shall have been given, and great inconvenience has been experienced by justices deciding on alleged defects in informations, and dismissing the same without any examination of witnesses, whereby the remedy of appeal hath been lost: Be it further enacted, that where the commissioners of excise or justices of the peace respectively before whom any information shall be exhibited shall dismiss such information without examination of witnesses, or shall refuse to examine any witness produced on the hearing of any information, the several witnesses refused to be examined shall be tendered to the said commissioners or justices respectively for examination on the part of the informer or defendant, as the case may be, and the said commissioners or justices respectively shall, on ascertaining the witnesses so tendered for examination to be present, cause their names to be taken down in writing, and shall transmit the same, with the information and judgment, to the commissioners of appeal or quarter sessions respectively; and the several witnesses so tendered for examination, and whose names shall be so transmitted, shall on the hearing of the appeal be examined in the case, although not examined before the commissioners or justices on the original hearing and judgment.

Witnesses tendered for examination at the original hearing before commissioners of excise or justices, and refused, may be examined on hearing the appeal.

XXV. AND be it further enacted, that if any person liable to be arrested and detained under any Act or Acts relating to the revenue of excise shall not

Persons liable to arrest under the laws of



excise, not being detained at the time, or afterwards escaping, may be afterwards arrested by any excise officer.

be detained at the time when he shall be discovered committing the offence for which he is so liable, or after detention shall make his escape, any officer of excise may stop, arrest, and detain such person at any time afterwards, and carry him before any justice or justices of the peace, to be dealt with as if detained at the time of committing the offence.

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Proceedings on complaints of over-charges and over-payments, and applications for return of duty.

XXVII. AND be it further enacted, that it shall be lawful for the commissioners of excise, or any three or more of them, within the limits of the chief office of excise, and for any two or more justices of the peace in any other part of the United Kingdom, within whose jurisdiction respectively any person chargeable with or liable to the payment of any duty of excise shall have been charged with or paid such duty, upon complaint to them respectively made by any person or persons of any overcharge made by any officer of excise, or of any over-payment made by any such person, within twelve calendar months next after the making of such over-charge or over-payment, and also in any case in which by any Act of Parliament relating to the revenue of excise any persons shall be entitled to any return of any duty of excise paid by or on behalf of such person, upon the like complaint by such person within the time in that behalf respectively limited by law for exhibiting such complaint, and such commissioners and justices are hereby respectively authorized and required, in every such case, to hear, adjudge, and determine such complaints, and to examine the witness or witnesses upon oath who shall be thereupon produced as well on behalf of the person making complaint as on behalf of his Majesty and of all parties therein concerned, and shall thereupon, by warrant under their hands, discharge or acquit the complainant of so much of such over-charge or over-payment as shall be made out and proved before such commissioners of excise or justices of the peace respectively to have been over-charged or over-paid, or wrongly paid, or shall order such amount of duty as the party shall appear to be entitled to have returned to him to be returned and paid; and if any person in whose favour any such judgment shall be given shall before acquittal of any over-charge have paid any money for or in respect of such over-charge, and in case of any over-payment or order to return any duty of excise to a return of which the party may be entitled, the commissioners of excise shall and they are hereby required, upon such acquittal or order as aforesaid, to repay to such person or persons out of the public monies in their hands or at their discretion to allow out of the next duties becoming payable by such person or persons, so much money as shall be specified in such judgment or order as over-charged, over-paid, or wrongly paid, or to be returned, anything in any Act or Acts to the contrary notwithstanding: Provided always, that no such complaint shall be heard before the said commissioners of excise unless the same shall be entered by or on behalf of the complainants in a book to be kept for that purpose in the office of the solicitor of excise at the chief office of excise, stating the particulars thereof, and the name and place of residence or place of business of such complainant; and upon every such complaint being so entered, not less than six days notice shall be given by the commissioners of excise of the time and place by them appointed for the hearing of such complaint; and if such complainant shall not appear at the time and place appointed for the hearing of any such complaint, it shall be lawful for the said commissioners, or any three or more of them, to dismiss such complaint, upon proof of

such notice of the time and place appointed for the hearing of such complaint having been given to such complainant or left at the place mentioned in such complaint book as aforesaid as the place of residence or place of business of such complainant; and no such complaint shall be heard before any justice of the peace unless a notice in writing of the time and place of hearing thereof shall be given to the collector of excise in whose collection or to the supervisor of excise in whose district the subject matter of complaint shall have arisen eight days at least before the time appointed for the hearing of such complaint, which notice shall contain and set forth the exact sum which is complained of as being an over-charge, and the date when the charge was made on which such over-charge is said to have arisen, or the exact sum complained of as being an over-payment, and the date when such over-payment was made, or the exact amount of duty claimed to be allowed or returned, and on what account, as the case may be; and in every case respectively the ground of complaint of such over-charge or over-payment, or claim of return or allowance of duty shall be set forth in such complaint: Provided also, that the payment of any duty with which any such complainant as aforesaid shall have been charged, or any proceedings for the recovery or payment of any such duty, shall not be delayed or suspended by reason of the making of any complaint or over-charge of such duty, or of the same being depending.

XXVIII. AND be it further enacted, that any penalty or forfeiture incurred under any Act or Acts of Parliament relating to the revenue of customs may be sued for and recovered by order of the commissioners of excise, and in the name of an officer of excise, as well as by order of the commissioners of customs, and in the name of an officer of customs; and where any election or option is or shall be given by any such Act or Acts to the commissioners of customs, which of two penalties shall be sued for, such election or option may be exercised by the commissioners of excise, and may be averred in the information to have been made by such last-mentioned commissioners; and such averment shall be deemed and taken to be sufficient proof of such order and of such election or option, without any further evidence thereof. -

Offences under the customs laws may be sued for by order of commissioners of excise, and in the name of officers of excise.

Option as to which of two penalties shall be sued for.

XXIX. AND be it further enacted, that it shall be lawful for the commissioners of excise, with the consent of the lord high treasurer, or any three or more of the commissioners of the Treasury, to contract for and take on lease, in trust for his Majesty, his heirs and successors, for the use and service of the revenue of excise, any messuages, buildings, lands, tenements, or hereditaments, either for any term for life or lives or years, or any less interest therein, which they the said commissioners of excise may deem desirable to be contracted for and taken for the use and service of the revenue of excise; and every demise of any such messuages, buildings, lands, tenements, or hereditaments, shall be made to, and all covenants relating to any such demise shall be made and entered into and with and by the secretary of his Majesty's commissioners of excise for the time being, and his successors in the office of secretary.

Power for commissioners of excise, with consent of Treasury, to take lands, &c. upon lease.

XXX. AND in order to prevent the frequent use of terms and expressions in Acts, and to give effect to those used, be it further enacted, that whenever in this or any other Act relating to the revenue of excise the word or words, writing, wrote, or written, shall be used, the same shall include printing or printed, or partly written and partly printed; and when the singular number

Construction of terms in Acts of Parliament relative to the revenue of excise.

or masculine gender only shall be used, such word or words shall be construed to mean several persons as well as one, and females as well as males, and bodies corporate and politic as well as individuals, and several matters and things as well as one matter or thing, unless it be otherwise specially provided for, or there be something in the subject or context repugnant to such construction.

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## CHAPTER LX.

AN ACT to amend the Laws relating to the Land and Assessed Taxes, and to consolidate the Boards of Stamps and Taxes. [13th August 1834.]

**W**HEREAS, for the more convenient execution of the Acts relating to the land tax, it is expedient to authorize the commissioners acting in the execution of the said Acts for any county, shire, or riding to alter the jurisdiction of any parishes, tithings, townships, hamlets, or places, by transferring any one or more thereof from one division to another of the same county, or by creating thereout any new division or divisions for the purposes of the said Act, as occasion shall require: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the said commissioners, at a general meeting or meetings for any county, riding, or shire, if and as they shall see fit (subject as herein provided), to transfer the jurisdiction of any of the parishes, townships, hamlets, tithings, or places in any county from the division or divisions to which the same respectively now belong, together with the quotas payable by them respectively at the time of such transfer, to any adjoining or other division or divisions of the same county, or to any new division or divisions; which new division or divisions it shall be lawful for the said commissioners and they are hereby expressly authorized and empowered to create in any such county; provided every such alteration or creation of divisions respectively shall be certified in writing under the hands of the majority of the commissioners present at such general meeting to his Majesty's commissioners of stamps and taxes; and provided the same shall be approved of by the commissioners of his Majesty's Treasury for the time being; and such approbation, together with the quotas to be assessed and levied on the parishes, townships, tithings, hamlets, or places so as aforesaid transferred, shall be certified to the commissioners of the respective divisions under the hands of the commissioners of stamps and taxes, or any two or more of them, but not otherwise; and the commissioners whose respective divisions shall be extended or created in manner aforesaid shall have full jurisdiction and control in, over, and throughout the several parishes, townships, tithings, hamlets, or places so as aforesaid transferred, and shall and may execute all the powers and provisions of the Acts relating to the land tax, and of the Acts relating to the duties of assessed taxes, in assessing, charging, raising, and enforcing payment of the said taxes respectively in and throughout the same; and the parishes, townships, tithings, hamlets, or places so as aforesaid respectively transferred shall be considered as forming part of the division to which they shall be or shall have been transferred, for all the

Land tax commissioners may transfer jurisdictions from one division of a county to another, or create new divisions.

purposes of the Acts relating to the land tax and the assessed taxes respectively, anything in any former statute contained to the contrary thereof notwithstanding; and all the alterations herein provided for, which may have been made at any time previous to the passing of this Act, shall be as valid, lawful, and effectual, and be acted on in all respects, as if the same had taken place after the passing of this Act, and in pursuance hereof: *Provided nevertheless, that nothing herein contained shall be construed to authorize the alterations of the limits or jurisdiction of any of the cities, boroughs, cinque ports, towns, and places respectively in Great Britain, for which separate and distinct quotas of land tax are provided by and enumerated in the Acts now in force relating to the land tax.*

II. AND whereas divers open fields, commons, and waste lands, since the inclosure thereof, have been rated and assessed to the land tax, wholly or in part, in other parishes, townships, hamlets, or places than those in which such lands do lie, the inhabitants of such parishes, townships, hamlets, or places in which such lands are rated and assessed having been before the inclosure thereof entitled to common of pasture or other common rights in such open fields, commons, and waste lands: And whereas doubts have arisen touching the legality of rating and assessing such lands as aforesaid elsewhere than in the parishes, townships, hamlets, or places in which the same do lie, and it is expedient to remove such doubts: Be it therefore enacted and declared, that all allotments and pieces or parcels of land which at any time heretofore have been part or parcel of any such open fields, commons, or waste lands shall and may lawfully be rated and assessed to the land tax in such manner, and in such parishes, townships, hamlets, or places, as the same have since the allotment or inclosure thereof been usually rated and assessed, although such lands may not lie in the parishes, townships, hamlets, or places in which the same have been or may be so as aforesaid rated or assessed; and that all rates and assessments which have been at any time heretofore or may be at any time hereafter made or charged upon or in respect of any such lands as aforesaid in or for the parishes, townships, hamlets, or places respectively in which the same have heretofore been usually rated or assessed, are hereby declared to have been and shall be deemed to be respectively as valid and effectual to all intents and purposes, and shall be collected and levied in like manner, as if such lands had been situated within the parishes, townships, hamlets, or places in or for which such rates or assessments have been or shall be made or charged.

*Assessments of certain inclosed lands may be made in the places in which they have usually been assessed.*

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IV. AND whereas by an Act passed in the fifty-third year of the reign of King George the Third, intituled "An Act to amend and render more effectual" several Acts passed for the redemption and sale of the land tax," certain general rules and directions contained in a schedule marked (E.) to the said last-recited Act annexed were enacted with reference to certain contracts for the redemption of land tax therein mentioned, and amongst other rules it was enacted as follows; (that is to say,) first, the commissioners for executing this Act who shall have entered into any such contract shall, as soon as conveniently can be done after the date of each contract, cause an abstract of so much thereof as shall be necessary to be transmitted to the commissioners acting in the execution of the Land Tax Act in the division where the land tax con-

*58 Geo. 3.  
c. 123.  
Schedule (E.)  
recited;*

tracted for shall be charged ; and the said last-mentioned commissioners shall from time to time cause assessments to be made of the payments which according to such contracts shall become due in each year ending the twenty-fifth day of March, together with the amount of the land tax contracted for, and the names of the contractors and occupiers of the premises whereon the land tax is charged, in such form or forms as shall be made out at the office for taxes for that purpose, and shall annually return duplicates thereof to the receiver general and the King's remembrancer, in such form and manner and at such times as they are directed to return duplicates of land tax, in order that the respective receivers general may be charged therewith at the receipt of his Majesty's Exchequer : And whereas it is expedient to repeal the said last-recited rule : Be it therefore enacted, that from and after the passing of this Act so much of the rules and directions contained in the said schedule (E.) to the said last-recited Act annexed as is herein-before expressly recited shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

and repealed  
in part.

Certificate of  
land tax com-  
missioners to  
commissioners  
of public ac-  
counts in lieu  
of duplicates  
mentioned in  
last-recited  
Act.

V. AND be it enacted, that in lieu of the duplicates by the said last-recited Act directed to be returned to the receiver general and the King's remembrancer, the certificate of the commissioners for the time being acting in the execution of the Acts for the redemption and sale of the land tax, to the commissioners for auditing the public accounts, of the payments which according to such contracts shall become due in each year as aforesaid, shall be a sufficient authority for charging the respective receiving officers with the same ; and such certificate shall be in such form as shall be devised by the said commissioners acting in the execution of the said Acts for that purpose.

VI. AND whereas by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled " An Act to provide for the application of monies arising in certain cases of assessments for land tax in Great Britain," the commissioners of his Majesty's Treasury are authorized, on the receipt of any such certificate as is thereupon required to be transmitted by the commissioners of districts of the amount of excess of assessment and collection of land tax in any such cases as are therein specified, to direct the net produce and amount of such excess of assessment and collection to be applied to his Majesty's use in such manner and for such purposes as in the said last-recited Act are mentioned : And whereas it is expedient to amend the said recited Act in the manner herein-after mentioned : Be it therefore enacted, that it shall and may be lawful for the said commissioners acting within and for any district or division in which any excess of assessment and collection of land tax shall arise to cause to be deducted from the amount of such excess, and to be paid to the respective assessors of the several cities, boroughs, towns, parishes, wards, or places in which such excess shall arise, as a remuneration to the said assessors for their trouble in making the assessments to the land tax, such sum or sums of money as the said last-mentioned commissioners shall certify to be a just and reasonable remuneration to the said assessors, and as the commissioners of his Majesty's Treasury shall sanction and approve ;

District com-  
missioners,  
with the appro-  
bation of the  
Treasury, may  
remunerate  
assessors for  
making their  
assessments  
out of the  
surplus land  
tax.

48 Geo. 3.  
c. 141.

VII. AND whereas by an Act passed in the forty-eighth year of the reign of King George the Third, intituled " An Act to amend the Acts relating to " the duties of assessed taxes, and of the tax upon the profits of property, " professions, trades, and offices, and to regulate the assessment and collection " of the same," it is enacted, that the said duties shall be collected, levied,

paid over, and accounted for under and subject to the rules and directions in the said Act contained; and certain rules and directions are (amongst others) contained in and enacted by the said Act with reference to the said duties of assessed taxes, and which are intituled, "Number V. Rules and Directions for "paying to the Receiver General and accounting for the Duties received by "the Collectors": And whereas by an Act passed in the third year of the reign of his late Majesty King George the Fourth, intituled "An Act to amend 3 Geo. 4. c. 88. "the laws relating to the land and assessed taxes, and to regulate the appointment of receivers general in England and Wales," certain rules and regulations are (amongst others) contained in and enacted by the said last-recited Act with reference to the said duties of assessed taxes, and which are intituled respectively, "Number II. Rules and Regulations respecting the said Office, in "relation to Assessed Taxes," "Number III. Rules and Regulations respecting "the Office of Collector of Assessed Taxes," and "Number IV. Rules and Regulations respecting the Offices of other Persons acting in the Execution of "the said Acts": And whereas it is expedient that the monies arising from the land tax should be collected and accounted for under the same rules, regulations, and directions: Be it therefore enacted, that from and after the passing of this Act the monies arising from the land tax shall be collected, levied, paid over, and accounted for under and subject to the rules, regulations, and directions severally contained in and enacted by the said recited Acts of the forty-eighth year of King George the Third, and the third year of King George the Fourth, so far as the same relate to the duties of assessed taxes herein-before mentioned or referred to; and all such rules, regulations, and directions, and all and every the clauses and provisions thereof, so far as the same relate to the said duties of assessed taxes, shall be deemed and taken to extend and apply to the collecting, levying, paying over, and accounting for the monies arising from the land tax, in the same manner, and as fully and effectually, to all intents and purposes, as if such rules, regulations, and directions had been expressly enacted by this Act with reference to the said monies arising from the land tax, and to the commissioners, receivers, collectors, and other officers or persons acting in the execution of the Acts relating thereto.

Land tax to be collected, &c. under rules and regulations contained in recited Acts.

VIII. AND whereas by his Majesty's letters patent under the great seal of the United Kingdom of Great Britain and Ireland certain persons therein named have been constituted and appointed and now are commissioners of stamps for the United Kingdom of Great Britain and Ireland, and by the same letters patent the same persons have also been constituted and appointed and now are commissioners for the affairs of taxes in Great Britain: And whereas it is expedient that the several duties, matters, and things under the care and management of the said commissioners of stamps and of the said commissioners for the affairs of taxes respectively should be and remain under the care and management of one consolidated board of commissioners, to be called "The Commissioners of Stamps and Taxes": Be it therefore enacted, that from and after the passing of this Act the several persons so as aforesaid appointed commissioners of stamps for the United Kingdom of Great Britain and Ireland and commissioners for the affairs of taxes in Great Britain respectively shall, without any further commission or other authority than this Act, be and become one consolidated board of commissioners, and be called "The "Commissioners of Stamps and Taxes"; . . . . . and that

The boards of commissioners of stamps for Great Britain and Ireland, and commissioners for the affairs of taxes in Great Bri-

tain, to be one consolidated board of commissioners of stamps and taxes.

from henceforth all the several duties, matters, and things, which at the time of the passing of this Act are collected by or are under the care and management of the said commissioners of stamps and of the said commissioners for the affairs of taxes respectively, shall respectively be collected by and shall be under the care and management of the commissioners of stamps and taxes, in the same manner as such duties, matters, and things respectively have heretofore been collected by or have been under the care and management of the said commissioners of stamps and of the said commissioners for the affairs of taxes respectively: . . . . .

Powers and authorities vested in the commissioners of stamps and commissioners for the affairs of taxes respectively to be exercised by the commissioners of stamps and taxes.

IX. AND be it enacted, that the said commissioners of stamps and taxes, or any three or more of them, shall have, use, and exercise all such powers and authorities as are now given to or vested in or as might be used and exercised by the whole or any number of the said commissioners of stamps or of the said commissioners for the affairs of taxes, under or by virtue of any Act or Acts in force at or immediately before the passing of this Act, and all such powers and authorities shall be and are hereby given to and vested in the commissioners of stamps and taxes, and any three or more of them, as fully and effectually, to all intents and purposes, as if such powers and authorities, and all clauses, regulations, provisions, penalties, and forfeitures in any Act or Acts relating thereto respectively, were severally repeated and re-enacted in this Act, and made part thereof; and all rules, orders, regulations, acts, matters, and things which shall be made or done by the said commissioners of stamps and taxes, or any three or more of them, and which by any Act or Acts in force at or immediately before the passing of this Act are or were required or authorized to be made or done or which might be made or done by the commissioners of stamps or the commissioners for the affairs of taxes, or any three of such commissioners respectively, shall be and be deemed to be as good, valid, and effectual in the law to all intents and purposes as if made or done by the said commissioners of stamps or the said commissioners for the affairs of taxes, or any number of such commissioners respectively, under or in pursuance of any such Act or Acts as aforesaid; and all persons shall be subject and liable to the same pains and penalties for doing or omitting to do any act, matter, or thing contrary to any rules, orders, or regulations of the said commissioners of stamps and taxes, or any three or more of them, as such persons respectively would have been subject and liable to for doing or omitting to do the same acts, matters, or things contrary to any rules, orders, or regulations of the commissioners of stamps or the commissioners for the affairs of taxes respectively, under or by virtue of any Act or Acts in force at or immediately before the passing of this Act: Provided always, that where by any Act or Acts in force at or immediately before the passing of this Act any act, matter, or thing is expressly required or authorized to be done by any particular or prescribed number less than three of the said commissioners of stamps or of the said commissioners for the affairs of taxes, every such act, matter, or thing, being done by such particular or prescribed number of the commissioners of stamps and taxes, shall be good, valid, and effectual to all intents and purposes: And provided also, that all rules, orders, and regulations heretofore made by the said commissioners of stamps or the said commissioners for the affairs of taxes respectively, in force at the time of the passing of this Act, and which are not altered or varied by this Act, or contrary to any of the provisions

thereof, shall respectively remain and continue in full force and effect until the same shall be abrogated, annulled, altered, or varied by the said commissioners of stamps and taxes.

\* \* \* \* \*

XI. AND be it enacted, that all bonds and securities to his Majesty, or to the commissioners of stamps or the commissioners for the affairs of taxes, or to any officer or person in their respective employ, which have been heretofore given or entered into by any person or persons whatsoever, either as principals or sureties, for securing the due accounting for or the payment of any duties or other monies under the care or management of the commissioners of stamps or of the commissioners for the affairs of taxes, or for the good conduct of any officer, clerk, or other person, or for any other purpose whatever relating to the said duties or any of them respectively, shall remain and continue in full force and effect until the conditions of such bonds or securities shall have been duly performed and fulfilled; and all such bonds and securities, and the conditions thereof respectively, shall be deemed and construed to extend and be applicable to the duties, matters, and things which under or in pursuance of this Act are or shall be placed under the care or management of the commissioners of stamps and taxes; and [Rep., Stat. Law Rev. Act, 1874.] wheresoever in any such bonds or securities as aforesaid, or in the conditions thereof respectively, or in any Act or Acts now in force, mention is made of the commissioners of stamps or of the commissioners for the affairs of taxes, or of any receiver or other officer of the duties or revenues under the care or management of the said commissioners respectively, the same, with reference to any act, matter, or thing to be done or performed after the passing of this Act, shall be deemed and construed to apply to and to mean the commissioners of stamps and taxes, or the receiver or other officer of the duties or revenues under the care or management of such last-mentioned commissioners, as the case may be or require.

Bonds and securities to remain in force, and to extend to the duties under the care of the commissioners of stamps and taxes.

Construction of Acts, &c. referring to commissioners of stamps or commissioners of taxes, &c.

XII. AND whereas it would tend to reduce the expense of receiving and remitting the public revenue arising from the land and assessed taxes, if the several persons who act as the distributors of stamps, or some of them, were also appointed to receive the said taxes, and it is therefore expedient to authorize the appointment of the said distributors of stamps to be also the receivers of the said taxes: Be it therefore enacted, that from and after the passing of this Act it shall be lawful for the commissioners of his Majesty's Treasury for the time being, or any three or more of them, to nominate and appoint, from time to time, such of the persons for the time being appointed to execute the office of a distributor of stamps in England, as the said commissioners shall think proper, to be officers or persons for the receipt of the land tax and of monies payable for the sale and redemption thereof, and the respective rates and duties of assessed taxes under the management of the commissioners for the affairs of taxes, within and for such counties, districts, and circuits of receipt as the said commissioners of the Treasury shall from time to time authorize and direct; and it shall also be lawful for the said commissioners of the Treasury to grant to the distributors of stamps appointed receivers as aforesaid such additional allowances by way of remuneration for executing and performing the additional duties imposed on them under this Act, and for the expense of a clerk, as the said commissioners shall deem to be necessary.

Treasury may appoint distributors of stamps to be also receivers of the land and assessed taxes, with additional remuneration.

XIII. AND be it enacted, that every such distributor appointed a receiver under the authority of this Act shall, if required by the commissioners of stamps and taxes, under the authority of the said commissioners of his Majesty's Treasury, give and enter into a bond or bonds to his Majesty, his

Distributors appointed receivers under this Act to give security.



heirs and successors, either with or without sureties, as shall be directed by the said commissioners of stamps and taxes under the authority aforesaid, and in such penalty and with such condition as to the said last-mentioned commissioners shall appear necessary, or shall enter into or give such other security or securities as may from time to time appear to such commissioners right and proper for the due protection of the revenue; and all bonds so to be taken to his Majesty under this Act from such receivers respectively and their respective sureties shall be of the same force and effect, and such receivers and their sureties shall be respectively accountable and answerable in the same manner, as if such bonds were taken from receivers of taxes under the authority of any former Act or Acts in force.

Powers and provisions of former Acts to be applied to and executed by the receivers appointed under this Act.

XIV. AND be it enacted, that all and every the powers, provisions, rules, regulations, and directions, penalties, liabilities, matters, and things contained in and imposed by any Act or Acts now in force relating to the land tax and to the sale and redemption thereof, and the rates and duties of assessed taxes, or to the office of a receiver general, receiving inspector, or other receiver answerable in the receipt of the Exchequer, or which by law any receiver general, receiving inspector, or other receiver is authorized, empowered, or required to do, execute, follow, and perform, shall continue to be in full force, and be observed, followed, practised, applied, and put in execution by and against the several officers or persons appointed for the receipt of the said taxes under this Act, to all intents as if such officers or persons respectively were appointed receivers general, receiving inspectors, or other receivers under or in pursuance of any former Act or Acts relating to the said duties, and as if the same powers, provisions, matters, and things were severally repeated and re-enacted by this Act.

Bonds, commissions, &c. under this Act to be free from stamp duty and fees.

XV. AND be it enacted, that all bonds, bills, securities, and receipts whatsoever to be entered into with or given by the receivers to be appointed under the provisions of this Act and their respective sureties, with relation to the said duties of land and assessed taxes respectively, shall be free from all stamp duty whatever; and no distributor of stamps appointed a receiver under this Act as aforesaid shall in any case be liable to or charged with any stamp duty, fee, or gratuity on his commission, warrant, or other instrument to be obtained or had either on his first appointment or any renewed or succeeding appointment to be such receiver as aforesaid under this Act, nor to any fee or gratuity for any matter or thing incident to the execution of his office, or for auditing or passing his accounts, either in his Majesty's Treasury, the office for taxes, or any office of the court or receipt of the Exchequer.

## CHAPTER LXI.

AN ACT for the more effectually providing for the Erection of certain Bridges in Ireland. [13th August 1834.]

WHEREAS according to the laws now in force in Ireland, where any river is the boundary between two counties, the expences of building, rebuilding, repairing, enlarging, or altering any bridge over such river are to be defrayed by such two counties only, that is to say, a moiety by each; and no money can be paid by the treasurer of either of such counties on account

of any presentment for any of the aforesaid purposes unless an equal sum shall have been presented to be raised for the same work upon the adjoining county : And whereas differences have been frequently found to exist between the grand juries of such adjacent counties with respect to the expediency of the building, rebuilding, altering, or improving or repairing of bridges so situated, by reason whereof the same have been in many instances suffered to fall into decay, to the great inconvenience of the public : And whereas the objections to making presentments for such bridges have been sometimes founded upon the supposition that the particular counties which alone would be thereby so charged would not derive from such bridge a benefit commensurate with the expence, whilst other neighbouring counties would gain a portion of such benefit without contributing in any degree to the burthen, and it is expedient to remove any foundation for such objections : Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that where at any time after the commencement of this Act it shall be deemed expedient by the grand jury of any county or county of a city or town in Ireland that any bridge over any river forming a boundary between such county or county of a city or town and any other county or county of a city or town, or any approach to such bridge, shall be built, rebuilt, enlarged, altered, repaired, or in anywise improved, it shall and may be lawful for such grand jury to present a memorial to the lord lieutenant or other chief governor or governors of Ireland, stating the nature of the work proposed, and the reasons for which the same is considered to be useful or desirable, and praying that the powers by this Act authorized to be exercised may be applied for the purpose of prosecuting and completing such work.

Grand juries may apply to lord lieutenant for powers under this Act to build or repair bridges between any two counties.

II. AND be it enacted, that thereupon it shall be lawful for such lord lieutenant or other chief governor or governors of Ireland, if he or they shall so think fit, to appoint any number of persons not exceeding five to inquire into and report upon the circumstances stated in such memorial, and to investigate the truth of the matters therein contained, and the propriety and expediency of complying with the prayer of such memorial ; and that the person or persons so to be appointed shall have full power to examine into the merits of such memorial and the grounds thereof, and for that purpose to receive such evidence, whether oral or documentary, to make or cause to be made such surveys and plans, and to collect such information as may be offered in support of or against the prayer of such memorial ; and in case such person or persons shall, upon a consideration of all the facts submitted or proved to them or him, be of opinion that the provisions of this Act shall be put into operation with respect to the subject matter of such inquiry, he or they shall so report to the said lord lieutenant or other chief governor or governors ; and such report shall be accompanied by a proper plan, estimate, and specification for the execution of the intended work, and also by a statement of the proportions in which the expences thereof should be defrayed by the two counties between which the bridge shall be, and by such neighbouring counties, if any such, as ought to be contributory to such expences.

Lord lieutenant may appoint persons to inquire into the expediency of complying with such application.

If such persons are satisfied they shall so report, and therewith transmit the plan, estimate, &c. of the work and the proportions of expences to be defrayed by the counties.

III. AND be it enacted, that the said lord lieutenant or other chief governor or governors shall cause a copy of such report, plan, estimate, specification, and statement to be transmitted to the secretary of the grand jury of each and

Copy of report, &c. to be sent to the secretary of the

grand jury of every county named therein, to be laid before the grand jury for consideration.

Any grand jury may appeal against the report to the lord lieutenant,

who shall hear and decide the appeal.

Lord lieutenant, upon such report being settled, may direct that the bridge shall be built or repaired, and how the expence thereof shall be raised.

Grand jury making such application shall present off their own county a sum for defraying expences of commission, to be lodged with treasurer, and applied under direction of the lord lieutenant if the application is not complied with; but if report be

every county named in such statement as proper to be contributory to such expences as aforesaid, to be by him laid before the grand jury at the next assizes; and each such grand jury shall take the same into consideration; and if any such grand jury shall determine that an appeal shall be made against such report on account of such county being made contributory to the expences aforesaid, or on account of its being charged in an undue proportion for the said expences, or on account of any objection to the plan, specification, estimate, or statement aforesaid, it shall be lawful for such grand jury to direct that such appeal shall be made to the said lord lieutenant or other chief governor or governors in council, in the name of such grand jury, on behalf of such county; and the grounds of such appeal shall be stated in writing, and signed by the foreman of such grand jury, and transmitted by him to the clerk of the privy council; and notice of every such appeal shall be inserted by or on behalf of such grand jury in the Dublin Gazette once in two successive weeks next after such appeal shall have been lodged with the clerk of the council as aforesaid; and it shall be lawful for such lord lieutenant or other chief governor or governors, by and with the advice and consent of his Majesty's privy council in Ireland, to hear and determine such appeal, and to make such order disallowing or confirming such report, or for the varying, altering, or modifying such report, plan, estimate, specification, or statement, as shall seem meet.

IV. AND be it enacted, that upon such report if not appealed against, or in the case of any such appeal then upon such report, if the same shall be confirmed, or, if varied, altered, or modified, then upon the same as so varied, altered, or modified upon such appeal, it shall be lawful for the said lord lieutenant or other chief governor or governors, if he or they shall so think fit, by order to be signified through his or their chief or under secretary, to direct that the bridge in such report mentioned shall be built or rebuilt, or that the same or any of the approaches thereto shall be repaired, enlarged, widened, altered, or improved, in the manner and according to the plan in such report approved of, or according to such other plan as may be approved of upon such appeal as aforesaid, and that the expences of any such work, or, in case any grant shall be made in aid of such work as herein-after mentioned, then the residue of such expences, shall be raised off and from the several counties which may be specified for that purpose in such report or amended report, according to the shares and proportions thereby recommended or determined.

V. AND be it enacted, that, in order to provide for any expences which may become necessary by the appointment of any person or persons for the purpose of examining into the subject matter of any memorial to be presented under this Act, the grand jury presenting or authorizing any such memorial shall be and are hereby empowered and required to present to be levied off their own county such sum not being less than two hundred pounds as they may think fit, which sum shall be deposited with the treasurer of such county as a fund or security for the discharge of such expences as aforesaid, and be by him, or such proportion thereof, paid over to such person or persons as shall be directed by the said lord lieutenant or other chief governor or governors to receive the same, in case a report shall be made that such memorial ought not to be complied with; but in case a compliance with the same shall be recommended

and granted, then the money so deposited shall remain in the hands of such treasurer to the credit of the county, and the expences attending the investigation of the matter of such memorial shall be deemed part of the charges for the work recommended, and shall be borne by the several counties liable thereto under the provisions of this Act in the several proportions hereby directed.

favourable, the expences shall be defrayed out of the monies raised for the work.

VI. AND be it enacted, that when any such report as aforesaid shall have been received and approved of by the said lord lieutenant or other chief governor or governors, or if the same shall be appealed against then upon the determination of such appeal, the order made upon the same shall be transmitted to the secretaries of the grand juries of the respective counties thereby directed to be liable to the charges of the said work, and shall be by them at the next assizes laid before such grand juries respectively, who shall thereupon present to be levied off their respective counties the sums appearing by such order to be respectively chargeable thereon.

If report be approved by lord lieutenant, the order made thereon to be laid before the grand juries liable thereunder, who shall present the sums charged on their respective counties thereunder.

VIII. AND be it enacted, that the building, rebuilding, repairing, widening, enlarging, or improving of any bridge under the provisions of this Act, or of any of the approaches thereto, and the execution of all works relating to the same, shall be carried on, conducted, and managed by and under the controul and direction of the commissioners for the time being<sup>[a]</sup>; and that all the provisions of the said last-mentioned Act shall and may be applied and extended to the several works hereby authorized to be executed, so far as the same may be necessary, and may not be repugnant to or inconsistent with this Act: And provided further, that nothing herein contained shall be construed to restrain or prevent the said last-mentioned commissioners from making any grant in aid of the erection of any bridge which may be proposed to be erected under the provisions of this Act, in like manner and to such extent as they may be authorized by the said last-recited Act to make grants on the application of any grand jury; and such commissioners are hereby authorized, upon consideration of the report, with the plans, specifications, and estimates, to be prepared as herein-before provided, at their discretion, subject nevertheless to the consent and approbation of the lords commissioners of his Majesty's Treasury for the time being, to make such grant in aid of the erection of bridges in respect whereof the provisions of this Act may be put in execution; and in the case of any such grant the amount thereof shall be deducted from the gross amount of the expence of erecting the same, and the residue only shall be levied off the several counties contributory to such expence in the proportions and manner prescribed by the order of the said lord lieutenant or other chief governor or governors as aforesaid.

The building, &c. of such bridges to be placed under the management of the commissioners of public works under 1 & 2 Will. 4. c. 33.

This Act shall not prevent the commissioners from making any grants in aid of the works under that Act.

In case of grant, presentments off counties to be reduced proportionately.

[IX.<sup>b</sup>] AND be it enacted, that it shall be lawful for any grand jury hereby required to present any sum of money for the purposes of this Act to direct that the amount of such presentment shall be levied by any number of equal half-yearly instalments not exceeding twelve; and upon such presentment

Grand jury may direct presentment to be levied by instalments.

[<sup>a</sup> See 2 & 3 Vict. c. 70. s. 3., supplying omission in this section.]

[<sup>b</sup> So much of this section as empowers the lord lieutenant or other chief governor or governors to order that any money shall be advanced to the commissioners of public works in the case and in the manner herein mentioned, rep., 2 & 3 Vict. c. 50. s. 7.]

Lord lieutenant may order sums presented to be advanced out of the sum to be issued out of the consolidated fund to the commissioners under 1 & 2 Will. 4. c. 88.

Sums advanced to be repaid by county treasurers out of presentments.

Any surplus of sums presented remaining after completion of work to be refunded to county treasurers.

Any additional sums required to be raised by presentment.

Construction of the word "county."

being made it shall be lawful for the said lord lieutenant or other chief governor or governors, if he or they shall so think fit, to order that the whole or such part as he or they shall deem proper of the money so presented, or the residue thereof in case of any grant being made as aforesaid, shall be advanced out of the sum of five hundred thousand pounds which by an Act of the first and second year of his present Majesty, intituled "An Act for the extension and promotion of public works in Ireland," may be advanced to the said commissioners of public works, for the more speedy execution of the work to which such presentment shall relate; which sum so advanced shall be repaid in the proportions prescribed by any such order as aforesaid of the said lord lieutenant or other chief governor or governors, by the treasurers of the respective counties, to the collectors of excise for their respective districts, by instalments, pursuant to the presentments, and be by such collectors accounted for as any other public money which may come to their hands.

X. AND be it enacted, that if any surplus of any money presented under this Act shall remain after the completion of the work for which the same shall have been raised, such surplus shall be refunded to the treasurers of the respective counties off which the said money shall have been raised in the like proportions as those in which such counties were made chargeable towards the expences of such work; and in like manner any additional sum beyond the amount of the estimate which may be found necessary shall be presented in like proportions, pursuant to the order and directions of the said lord lieutenant or other chief governor or governors.

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XXV. AND be it enacted, that wherever the word "county" occurs in this Act the same shall be construed to extend to and comprehend a county of a city or a county of a town as well as a county at large.

## CHAPTER LXII.

AN ACT for improving the Practice and Proceedings in the Court of Common Pleas of the County Palatine of Lancaster. [13th August 1834.]

WHEREAS various alterations and improvements have recently been made, by the authority of Parliament and otherwise, in the practice and proceedings in the superior courts of common law at Westminster; and it is expedient that certain alterations and improvements should be effected in the practice and proceedings of the Court of Common Pleas at Lancaster:

\* \* \* \* \*

Proceedings to judgment and execution after eight days from service of writs.

Proviso for Sunday, &c.

IX. AND be it further enacted, that when any writ of summons, capias, or detainer issued by authority of this Act shall be served or executed, all necessary proceedings to judgment and execution may be had thereon, without delay, at the expiration of eight days from the service or execution thereof: Provided always, that if the last of such eight days shall in any case happen to fall on a Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving, in any of such cases the following day shall be considered as the last of such eight days.

\* \* \* \* \*

XIV. PROVIDED always, and be it further enacted, that nothing in this Act contained . . . shall extend to any cause removed into the said court by writ of pone loquelam, accedas ad curiam, certiorari, recordari facias loquelam, habeas corpus, or otherwise.

Act not to extend to causes removed by certiorari, &c.

\* \* \* \* \*

XVII. AND be it further enacted, that it shall and may be lawful for the judges of the said Court of Common Pleas at Lancaster for the time being, or any two of them, from time to time to make such orders, rules, and regulations for altering and regulating the mode of pleading in that court, and for altering the mode of entering and transcribing pleadings, judgments, and other proceedings in actions at law therein, and touching the voluntary admission, upon any application for that purpose at a reasonable time before the trial of any action of one party to the other, of all such written or printed documents, or copies of documents, as are intended to be offered in evidence on the said trial by the party requiring such admission, and touching the inspection thereof before such admission is made, and touching the costs which may be incurred by the proof of such documents or copies on the trial of the cause, in case of the omitting to apply for such admission, or the not producing of such documents or copies for the purpose of obtaining admission thereof, or of the refusal to make such admission, as the case may be, and as to the said judges of the said court for the time being, or any two of them, shall seem meet.

Judges may make rules for altering and regulating the mode of pleading and transcribing records, and touching the admission of documents, &c.

XVIII. AND be it further enacted, that all writs of inquiry of damages hereafter to be issued by the Court of Common Pleas at Lancaster, under and by virtue of the statute passed in the session of Parliament held in the eighth and ninth years of the reign of King William the Third, intituled "An Act for the better preventing frivolous and vexatious suits," shall, unless the said court or one of the judges thereof shall otherwise order, direct the sheriff of the said county of Lancaster to summon a jury to appear before him, instead of the justices or justice of assize of and for the said county, to inquire of the truth of the breaches suggested, and assess the damages that the plaintiff shall have sustained thereby, and shall command the said sheriff to make return thereof to the said court on a day certain in such writ to be mentioned; and such proceedings shall be had after the return of such writ as are in the said statute in that behalf mentioned, in like manner as if such writ had been executed before a justice of assize or nisi prius.

Writs of inquiry under 8 & 9 Will. 3. c. 11. to be executed before the sheriff, unless otherwise ordered.

XIX. AND be it further enacted, that every other writ of inquiry to be issued by the said Court of Common Pleas at Lancaster shall be made returnable on any day certain to be named in such writ.

Return of other writs of inquiry.

XX. AND be it further enacted, that in any action depending in the said Court of Common Pleas at Lancaster for any debt or demand in which the sum sought to be recovered and indorsed on the writ of summons shall not exceed twenty pounds it shall be lawful for the said court or any judge thereof, if such court or judge shall be satisfied that the trial of the said action will not involve any difficult question either of law or fact, and such court or judge shall think fit so to do, to order and direct that the issue or issues joined shall be tried before the sheriff of the said county palatine of Lancaster, or any judge of any court of record for the recovery of debt in such county; and for that purpose a writ shall issue, directed to such sheriff or judge, commanding him to try such issue or issues by a jury to be summoned by him, and to return such writ, with the finding of the jury thereon indorsed, at a day certain to be named in such writ; and thereupon such sheriff or judge shall summon a jury, and shall proceed to try such issue or issues. [Rep., Stat. Law Rev. Act, 1874.]

Power to direct issues joined in actions for sums not exceeding 20l. to be tried before the sheriff or any judge of any court of record in the county.

Upon the return of inquiry or writ for trial of issues, judgment may be signed and execution issued, unless sheriff, &c. certify that judgment ought to be stayed.

Powers of sheriff, &c. as to amendment.

3 & 4 Will. 4. c. 42.

Judgment may be vacated, execution stayed, and new trial granted.

XXI. AND be it further enacted, that at the return of every writ of inquiry, or writ for the trial of such issue or issues as aforesaid, costs shall be taxed, judgment signed, and execution issued forthwith, unless the sheriff or his deputy before whom such writ of inquiry may be executed, or such sheriff, deputy, or judge before whom such trial shall be had, shall certify, under his hand, upon such writ, that judgment ought not to be signed until the defendant shall have had an opportunity to apply to the said Court of Common Pleas at Lancaster, or one of the judges thereof, for a new inquiry or trial, or the said court, or one of the judges thereof, shall think fit to order that judgment or execution shall be stayed till a day to be named in such order; and the verdict of such jury on the trial of such issue or issues shall be as valid and of the like force as a verdict of a jury at the assizes; and the sheriff or his deputy or judge presiding at the trial of such issue or issues shall have the like powers with respect to the amendment on such trial, as are given to judges at nisi prius by an Act passed in the third and fourth years of the reign of his present Majesty, intituled "An Act for the further amendment of the law, and the better advancement of justice."

XXII. PROVIDED always, and be it further enacted, that, notwithstanding any judgment signed or execution issued as aforesaid by virtue of this Act, it shall be lawful for the said Court of Common Pleas at Lancaster to order such judgment to be vacated and execution to be stayed or set aside, and to enter an arrest of judgment, or grant a new trial or new writ of inquiry, as justice may appear to require; and thereupon the party affected by such writ of execution shall be restored to all that he may have lost thereby in such manner as upon the reversal of a judgment by writ of error, or otherwise as the court may think fit to direct.

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His Majesty may appoint all the judges of the courts of Westminster to be judges of the Lancaster Court of Common Pleas.

XXIV. AND whereas it would tend to further the administration of justice in the said Court of Common Pleas at Lancaster if more of the judges of the superior courts at Westminster were appointed justices for all manner of pleas within the said county palatine of Lancaster: Be it therefore enacted, that it shall and may be lawful to and for the King's most excellent Majesty, in right of his duchy and county palatine of Lancaster, from time to time to nominate and appoint all or any of the judges of the superior courts at Westminster to be judges of the Court of Common Pleas for the county palatine of Lancaster: Provided nevertheless, that the judges before whom the assizes for the said county palatine of Lancaster shall from time to time be held, and their respective officers, shall alone be entitled to the fees and emoluments heretofore received by the judges of the said county palatine and their officers.

Judges of superior courts at Westminster may regulate fees to be taken in Court of Common Pleas at Lancaster.

XXV. AND be it further enacted, that the judges of the superior courts of common law at Westminster, or any eight or more of them, of whom the chief of each of the said courts shall be three, may by any rule or order to be from time to time after this Act shall take effect, make such regulations as to the fees to be charged by all and every or any of the officers of the said Court of Common Pleas at Lancaster and the attornies thereof as to them may seem expedient, and to alter the same when and as it may seem fit and proper, so as such fees shall not exceed the fees now received; and all such regulations shall be binding and obligatory on the said Court of Common Pleas at Lancaster, and all the officers and attornies of the said court.

XXVI. AND be it further enacted, that it shall be lawful for any party in any action now depending or hereafter to be depending in the said Court of Common Pleas at Lancaster to apply by motion to any one of the superior courts at Westminster sitting in banco, within such period of time after the trial as motions of the like kind shall from time to time be permitted to be made in the said superior court, for a rule to show cause why a new trial should not be granted or nonsuit set aside and a new trial had or a verdict entered for the plaintiff or defendant, or a nonsuit entered, as the case may be, in such action, which court is hereby authorized and empowered to grant or refuse such rule, and afterwards to proceed to hear and determine the merits thereof, and to make such orders thereupon as the same court shall think proper; and in case such court shall order a new trial to be had in any such action the party or parties obtaining such order shall deliver the same, or an office copy thereof, to the prothonotary of the said Court of Common Pleas at Lancaster, or his deputy; and thereupon all proceedings upon the former verdict or nonsuit shall cease, and the action shall proceed to trial at the next or some other subsequent session of assizes holden for the county of Lancaster, in like manner as if no trial had been had therein; or in case the court before which any such rule shall be heard shall order the same to be discharged, the party or parties obtaining any such order may, upon delivering the same or an office copy thereof to the said prothonotary, or his deputy, be at liberty to proceed in any such action as if no such rule nisi had been obtained; or if a verdict be ordered to be entered for the plaintiff or defendant, or a nonsuit be ordered to be entered, as the case may be, judgment shall be entered accordingly.

Rules for new trials, &c. to be moved for in any of the courts at Westminster.

XXVII. PROVIDED always, and be it further enacted, that the entering up of judgment in any action in the said Court of Common Pleas at Lancaster, and the issuing of execution upon such judgment, shall not be stayed, unless the party intending to apply for such rule as last aforesaid shall, with two sufficient sureties such as the last-mentioned court shall approve of, become bound unto the party for whom such verdict or nonsuit shall have been given or obtained, by recognizance, to be acknowledged in the same court, in such reasonable sum as the same court shall think fit, to make and prosecute such application as aforesaid, and also to satisfy and pay, if such application shall be refused, the debt or damages and costs adjudged and to be adjudged in consequence of the said verdict or nonsuit, and all costs and damages to be awarded for the delaying of execution thereon.

Judgment and execution not to be stayed, unless the party moving enter into recognizance with sureties.

XXVIII. PROVIDED also, and be it further enacted, that nothing herein contained shall prevent the said Court of Common Pleas at Lancaster from granting any new trial, or setting aside any nonsuit, or entering a nonsuit, or altering a verdict as heretofore.

Power of court to grant a new trial, &c. not affected.

XXIX. AND be it further enacted, that the service of every writ of subpœna hereafter to be issued out of the said Court of Common Pleas at Lancaster, and served upon any person in any part of England or Wales, shall be as valid and effectual in law, and shall entitle the party suing out the same to all and the like remedies, by action or otherwise howsoever, as if the same had been served within the jurisdiction of the said Court of Common Pleas at Lancaster; and in case such person so served shall not appear according to the exigency of such writ, it shall be lawful for the same court or one of the judges thereof, upon oath or affirmation to be taken in open court, or upon an affidavit, of

Service of subpœna on persons in any part of England and Wales shall be valid to compel appearance.

Punishment for non-appearance in service.



the personal service of such writ, to transmit a certificate of such default, under the hand of one of the judges of the same court, to the Court of King's Bench in England; and the said last-mentioned court shall and may thereupon proceed against and punish, by attachment or otherwise, according to the course and practice of the same court, the person so having made default, in such and the like manner as they might have done if such person had neglected or refused to appear in obedience to a writ of subpoena issued to compel the attendance of witnesses out of such last-mentioned court.

Expence of attendance on writs of subpoena shall be tendered to witnesses.

XXX. PROVIDED always, and be it further enacted, that the said Court of King's Bench shall not in any case proceed against or punish any person, nor shall any such person be liable to any action, for having made default by not appearing to give evidence in obedience to any writ of subpoena or other process for that purpose issued under the authority of this Act, unless it shall be made to appear to the court that a reasonable and sufficient sum of money to defray the expences of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpoena was served upon such person.

Where final judgment shall be obtained in the court, and the person or effects cannot be found within its jurisdiction, any of the superior courts at Westminster may issue execution, &c.

XXXI. AND be it further enacted, that whenever a plaintiff or defendant in any action or suit in which judgment shall be recovered in the said Court of Common Pleas at Lancaster shall remove his person or goods or chattels from or out of the jurisdiction of the said Court of Common Pleas at Lancaster, it shall and may be lawful for any of the superior courts at Westminster, upon a certificate from the prothonotary of the said Court of Common Pleas at Lancaster, or his deputy, of the amount of final judgment obtained in any such action, to issue a writ or writs of execution thereupon for the amount of such judgment, and the costs of such writ or writs and certificate, to the sheriff of any county, city, liberty, or place, against the person or persons or goods of the party or parties against whom such final judgment shall have been obtained, in such manner as upon judgments obtained in any of the said courts at Westminster.

If rules of the court cannot be enforced, they may be made rules of one of the superior courts at Westminster.

XXXII. AND be it further enacted, that in case any rule of the said Court of Common Pleas at Lancaster cannot be enforced by reason of the non-residence of any party or parties within the jurisdiction thereof, it shall be lawful, upon a certificate of such rule by the prothonotary of the said court, and an affidavit that by reason of such non-residence such rule cannot be enforced as aforesaid, to make such rule a rule of any one of the said courts at Westminster, if such court shall think fit, whereupon such rule shall be enforced as a rule of such court.

Teste and date of writs and returns of executions.

XXXIII. AND be it further enacted, that all writs issued out of the said Court of Common Pleas at Lancaster shall be tested in the name of the chief justice of that court, or, in case of a vacancy of such office, in the name of one of the other judges thereof; and that every writ of *venire facias juratores*, issued out of the same court, shall bear date on the day next preceding the first commission day of each assizes, unless such commission day shall be on a Monday, and then on the Saturday preceding; and that every writ of *habeas corpora juratorum* shall bear date on the day of the return of the *venire facias juratores* [Rep., Stat. Law Rev. Act, 1874.]; and that all other writs, except writs of exigent and proclamation, shall respectively bear date on the day on which the same shall be issued; and that all writs of execution may, if the party suing out the same shall think fit, be made returnable immediately after the execution thereof.

XXXIV. AND be it further enacted, that whenever by any Act of Parliament, or by or under the authority of any Act of Parliament, or by any rule or order of any of his Majesty's superior courts at Westminster, or of any of the judges of the same, any rules, orders, or regulations shall be made for the purpose of framing, regulating, or amending the proceedings, practice, or pleadings of any of the said superior courts at Westminster, it shall be lawful for the judges of the said Court of Common Pleas at Lancaster, or any two of them, by rule or order to be made in that behalf, to adopt, mutatis mutandis, all or any of such rules, orders, or regulations, or any part or parts thereof, as to the said last-mentioned judges shall seem fit.

Power to adopt rules made for the superior courts at Westminster.

XXXV. AND be it further enacted, that the costs to be from time to time allowed for preparing pleadings in actions in the said Court of Common Pleas at Lancaster shall be the same as shall be allowed for preparing pleadings of a like description in actions in the superior courts at Westminster.

Costs of preparing pleadings.

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## CHAPTER LXV.

AN ACT for the more effectual Administration of Justice at Norfolk Island.

[13th August 1834.]

**W**HEREAS by an Act passed in the sixth year of the reign of his late Majesty, intituled "An Act for punishing offences committed by trans-  
ports kept to labour in the colonies, and better regulating the powers of justices of the peace in New South Wales," his Majesty was empowered, by order in council, to appoint or authorize the governors or persons administering the government of any of his Majesty's foreign possessions, colonies, or plantations, to appoint the places within his Majesty's dominions to which any offenders convicted in any such possession, colony, or plantation, and being under sentence or order of transportation, should be sent or transported: And whereas his said late Majesty, by an order bearing date the eleventh day of November in the year of our Lord one thousand eight hundred and twenty-five, was pleased, by and with the advice of his privy council, to authorize the governors or other persons administering the government of any of his Majesty's possessions, colonies, or plantations, from time to time, by proclamation to be by them respectively for such purpose issued, to appoint the place or places within his Majesty's dominions to which any offender convicted as aforesaid, and being under sentence or order of transportation, should be sent or transported: And whereas, in pursuance of the said order of his Majesty in council, the governor of New South Wales issued a proclamation, bearing date the fifteenth day of August in the year one thousand eight hundred and twenty-six, and thereby appointed, among other places, Norfolk island to be the place within the colony of New South Wales to which offenders convicted in the said colony, and being under sentence or order of transportation, might be sent or transported: And whereas the removal of persons under charge of capital and other offences committed at Norfolk island from thence for trial in the supreme court of the said colony is attended with great delay, expence, and inconvenience, and it is expedient that a court should be established in Norfolk island for the trial and punishment of crimes, misdemeanors, and offences, of what nature or degree soever,

6 Geo. 4. c. 69.

committed there by persons under sentence or order of transportation:

Governor of New South Wales may institute a court of criminal jurisdiction in Norfolk island.

II. AND be it further enacted, that it shall and may be lawful for the governor of New South Wales, with the advice and consent of the legislative council of the said colony, by an ordinance to be by them made for such purpose, to institute a court of criminal jurisdiction in Norfolk island, and to grant to such court full power and authority to take cognizance of all crimes, misdemeanors, and offences soever committed by any felons or other offenders under sentence or order of transportation or removal to Norfolk island, whether the same be committed within the said island, or on board of any ship or vessel during the passage of such felons or offenders to the same, or at the island called Philip island, adjacent to Norfolk island; and the said crimes, misdemeanors, and offences so committed to adjudge and punish respectively according to the laws in force in New South Wales in like cases.

Court to consist of a barrister and five military or naval officers.

III. AND be it enacted, that the said court of criminal jurisdiction shall consist of one judge, who shall be a barrister duly admitted in England or Ireland, of not less than three years standing, and of five commissioned officers of his Majesty's sea or land forces, whether on full or half pay; and such judge and officers respectively shall from time to time, as occasion shall require, be appointed by the governor of New South Wales, for the purpose of forming a court as aforesaid; and the said court shall have such ministerial officers as shall be necessary for conducting the proceedings and executing the processes, judgments, and orders thereof; and the said ministerial officers shall be appointed to and removed from their respective offices in such manner as the said governor for the time being shall direct; and the said judge, commissioned officers, and ministerial officers respectively shall receive such reasonable allowances as the said governor, with the advice of the legislative council of the said colony, shall, by any such ordinance made as aforesaid, appoint and direct, which allowances shall be in lieu of all fees, perquisites, and emoluments whatsoever in respect of their said offices.

Other officers of the court.

Allowances to judge and officers.

Periods, &c. of holding the court, and procedure therein.

IV. AND be it further enacted, that the said court of criminal jurisdiction shall be holden at Norfolk island at such times and place as the governor of New South Wales shall, by warrant under his hand, from time to time appoint and direct; and all crimes, misdemeanors, offences, and other misconduct cognizable by such court shall be prosecuted, tried, and adjudged, and the judgments, processes, and orders thereof shall be carried into effect, according to such forms, rules, course, and order of proceeding as the said governor, with the advice of the said legislative council, shall by any such ordinances as aforesaid from time to time direct and appoint: Provided always, however, that execution shall not be had or done upon any convict or convicts in any capital case, unless the said judge and five officers, by whom such convict or convicts shall be tried, shall concur in finding him or them guilty.

Proviso as to capital punishment.

Court to be a court of record.

Custody of records.

V. AND be it further enacted, that the said court of criminal jurisdiction shall be a court of record, and shall have all such powers as by law are incident and belong to a court of record: Provided always, that the records and proceedings of such court shall be deposited in the office of the supreme court of New South Wales, and there safely kept in like manner as other records of the said court.

## CHAPTER LXVII.

AN ACT for abolishing Capital Punishment in case of returning from Transportation. [13th August 1834.]

**W**HEREAS by an Act passed in the fifth year of the reign of his late Majesty King George the Fourth, intituled "An Act for the transportation of offenders from Great Britain," it is amongst other things enacted, that if any offender who should have been or should be sentenced or ordered to be transported or banished, or who should have agreed or should agree to transport or banish himself or herself, on certain conditions, either for life or any number of years, under the provisions of the said last-mentioned recited Act or any former Act, should be afterwards at large within any part of his Majesty's dominions, without some lawful cause, before the expiration of the term for which such offender should have been sentenced or ordered to be transported or banished, or should have so agreed to transport or banish himself or herself, on certain conditions, either for life or any number of years, under the provisions of the said last-recited Act or any former Act, should be afterwards at large within any part of his Majesty's dominions, without some lawful cause, before the expiration of the term for which such offender should have been sentenced or ordered to be transported or banished, or should have so agreed to transport or banish himself or herself, every such offender so being at large, being thereof lawfully convicted, should suffer death as in cases of felony without benefit of clergy: And whereas it is expedient that a lesser punishment than that of death should be provided for the punishment of the offenders convicted of any such offence so specified in the said Act of the fifth year of the reign of King George the Fourth: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the recited Act as inflicts the punishment of death upon persons convicted of any offence therein and herein-before specified shall be and the same is hereby repealed; and that from and after the passing of this Act every person convicted of any offence above specified in the said Act of the fifth year of the reign of his late Majesty King George the Fourth, or of aiding or abetting, counselling or procuring the commission thereof, shall be liable to be transported beyond the seas for his or her natural life, and previously to transportation shall be imprisoned, with or without hard labour, in any common gaol, house of correction, prison, or penitentiary for any term not exceeding four years.

Recital of  
5 Geo. 4. c. 84.  
s. 22.

So much of  
the recited Act  
as inflicts the  
punishment of  
death for re-  
turning from  
transportation  
repealed.  
Substituted  
punishment for  
such offence, or  
for aiding it.

## CHAPTER LXX.

AN ACT to regulate the Salaries of the Officers of the House of Commons, and to abolish the Sinecure Offices of Principal Committee Clerks and Clerks of Ingrossments. [13th August 1834.]

**W**HEREAS an Act was passed in the second and third year of the reign of his present Majesty, intituled "An Act for the better support of the dignity of the speaker of the House of Commons and for disabling the speaker of the House of Commons for the time being from holding any office or place of profit during pleasure under the crown": And

2 & 3 Will. 4.  
c. 105.

52 Geo. 3. c. 11. whereas an Act was passed in the fifty-second year of the reign of his Majesty King George the Third, intituled "An Act to repeal an Act passed in the " thirty-ninth and fortieth years of his present Majesty, for establishing " certain regulations in the offices of the House of Commons, and to establish " other and further regulations in the said offices": And whereas by the said first-recited Act a clear yearly sum of six thousand pounds was directed to be paid to the speaker of the House of Commons, and by the said second-recited Act net annual sums were directed to be paid to certain of the officers of the House of Commons: And whereas it is deemed expedient to reduce the said several annual salaries upon the termination of the existing interests in such offices, and also to make provisions in relation to certain other offices of the House of Commons: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the next election of a speaker of the House of Commons the net annual salary of five thousand pounds shall be issued and paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland to the speaker of the House of Commons, in lieu and instead of the annual sum of six thousand pounds now payable to the speaker out of the said fund.

Salary to  
speaker of  
House of  
Commons  
5,000*l.* per  
annum.

Salary to  
speaker's  
secretary.

Speaker's  
secretary to be  
secretary to fee  
fund commis-  
sioners.

III. AND be it enacted, that from and after the determination of the appointment of the person now holding the office of secretary to the speaker the speaker's secretary shall have and receive the net annual sum of five hundred pounds in lieu and instead of any salary, fees, perquisites, or emoluments whatsoever payable to him in respect of his said office of speaker's secretary, and of the office of secretary to the commissioners of the fee fund of the House of Commons [Rep., Stat. Law Rev. Act, 1874.]: Provided always, that the said office of secretary to the commissioners of the fee fund of the House of Commons shall be held in conjunction with the office of secretary to the speaker.

## CHAPTER LXXII.

AN ACT to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts. [14th August 1834.]

57 Geo. 3. c. 34. WHEREAS an Act passed in the fifty-seventh year of the reign of his Majesty King George the Third, intituled "An Act to authorize the issue of Exchequer bills, and the advance of money out of the consolidated fund, to a limited amount, for the carrying on of public works and fisheries in the United Kingdom, and employment of the poor in Great Britain, in manner therein mentioned": And 57 Geo. 3. c. 124. whereas another Act passed in the same session of Parliament, intituled "An Act to amend an Act made in the present session of Parliament, for authorizing the issue of Exchequer bills and the advance of money for carrying on public works and fisheries, and the employment of the poor": And whereas another Act passed in the 1 Geo. 4. c. 60. first year of the reign of his said late Majesty King George the Fourth, intituled "An Act to amend and continue two Acts passed in the fifty-seventh year of his late Majesty King George the Third, for authorizing the issue of Exchequer bills and the advance of money for carrying on of public works and fisheries and employment of the poor, and to extend the powers of the commissioners for executing the said Acts in Great Britain": And whereas another Act passed in the first and second

years of the reign of his late Majesty King George the Fourth, intituled "An Act to 1 & 2 Geo. 4.  
 "empower the commissioners in Great Britain for the execution of several Acts for c. 111.  
 "authorizing the issue of Exchequer bills for carrying on public works and fisheries  
 "and employment of the poor to extend the time for the payment of certain advances  
 "under the said Acts": And whereas another Act passed in the third year of the  
 reign of his said late Majesty, intituled "An Act to amend two Acts of the fifty- 3 Geo. 4. c. 86.  
 "seventh year of the reign of his late Majesty and the first year of his present Majesty,  
 "for authorizing the issue of Exchequer bills the advance of money for carrying on  
 "public works and fisheries and employment of the poor, and to authorize the further  
 "issue of Exchequer bills for the purposes of the said Acts": And whereas another  
 Act passed in the fourth year of the reign of his said late Majesty, intituled "An Act 4 Geo. 4. c. 63.  
 "to authorize the advance of money by the commissioners under several Acts for the  
 "issue of Exchequer bills for the public works, for the building, rebuilding, enlarging,  
 "or repairing of gaols in England": And whereas another Act passed in the fifth year  
 of the reign of his said late Majesty, intituled "An Act to amend and render more 5 Geo. 4. c. 36.  
 "effectual the several Acts for the issuing of Exchequer bills for public works": And  
 whereas another Act passed in the said last-mentioned year, intituled "An Act to 5 Geo. 4. c. 77.  
 "amend the Acts for the issue of Exchequer bills for public works": And whereas  
 another Act passed in the sixth year of his said late Majesty's reign, intituled "An Act 6 Geo. 4. c. 35.  
 "to render more effectual the several Acts for authorizing advances for carrying on  
 "public works, so far as relates to Ireland": And whereas another Act passed in  
 the seventh year of the reign of his said late Majesty, intituled "An Act to amend 7 Geo. 4. c. 30.  
 "the several Acts for authorizing advances for carrying on public works, and to  
 "extend the provisions thereof in certain cases": And whereas another Act passed  
 in the seventh and eighth years of the reign of his said late Majesty, intituled "An Act 7 & 8 Geo. 4.  
 "to amend an Act of the first year of his present Majesty, for the advance of money c. 12.  
 "for carrying on public works in Ireland": And whereas another Act passed in the  
 said last-mentioned year, intituled "An Act for the further amendment and extension of 7 & 8 Geo. 4.  
 "the powers of the several Acts authorizing advances for carrying on public works": c. 47.  
 And whereas another Act passed in the first and second years of his present Majesty,  
 intituled "An Act to amend several Acts passed for authorizing the issue of Exche- 1 & 2 Will. 4.  
 "quer bills and the advance of money for carrying on public works and fisheries and c. 24.  
 "employment of the poor, and to authorize a further issue of Exchequer bills for the  
 "purposes of the said Acts": And whereas another Act was passed in the third and  
 fourth years of the reign of his present Majesty, intituled "An Act to amend the 3 & 4 Will. 4.  
 "several Acts authorizing advances for carrying on public works": And whereas c. 32.  
 sundry advances have been made by the commissioners appointed by the said recited  
 Acts for the purposes and under the regulation in the said Acts respectively contained,  
 and applications have been made and are by the several Acts authorized to be made  
 to the said commissioners for other advances which the funds remaining at their dis-  
 posal are insufficient to meet, and it is therefore expedient that a further advance of  
 Exchequer bills should be placed at the disposal of the said commissioners for the like  
 purposes, and subject to the like terms and conditions, mentioned in the said recited  
 Acts or any of them, or in any Act or Acts having reference thereto, except so far as  
 such terms and conditions may be altered or extended by this Act: Be it therefore  
 enacted by the King's most excellent Majesty, by and with the advice and consent of  
 the lords spiritual and temporal, and commons, in this present Parliament assembled,  
 and by the authority of the same, that the King's most excellent Majesty may, by  
 warrant or warrants under his royal sign manual, authorize the commissioners of his  
 Majesty's Treasury of the United Kingdom of Great Britain and Ireland now or for  
 the time being, or any three or more of them, or the lord high treasurer of the United  
 Kingdom of Great Britain and Ireland for the time being, to cause or direct any  
 number of Exchequer bills to be made out at his Majesty's Exchequer in Great  
 Britain, not exceeding in the whole the sum of one million, [Rep., Stat. Law Rev. Act,  
 1874.]

His Majesty  
 may authorize  
 the commis-  
 sioners of the  
 Treasury to  
 issue Exchequer  
 bills to the  
 amount of one  
 million.

VII. AND be it further enacted, that the several persons who in and by the said  
 recited Acts or any of them are constituted commissioners for the execution of the said  
 Acts, or so many of them as shall be living at the time of the passing of this Act, shall  
 be and they are hereby constituted commissioners for the execution of the said recited  
 Acts and this Act [Rep., Stat. Law Rev. Act, 1874.]; . . . . .

Commissioners  
 appointed under  
 recited Acts to  
 be commis-  
 sioners under  
 this Act.

Further advances may be made on unfinished works in anticipation of further calls on proprietors, or on further mortgages of such works, or other security.

XII. AND whereas in some cases advances have been made by the said commissioners towards the completion of public works which yet remain unfinished in consequence of the expence of completing the same having from unforeseen circumstances exceeded the sum estimated for the completion thereof and the capital provided for such completion at the time of the application for such advances, and it is expedient, for the security of the money already expended and advanced on such unfinished works, that in addition to the powers and remedies provided by the said recited Acts, or some or one of them, for making calls on the proprietors or shareholders of such unfinished works or undertakings under the circumstances aforesaid, that the said commissioners should have authority, if they should think fit, to make advances in anticipation of such calls, or on the security of a further mortgage of such unfinished works, with a view to the completion thereof: Be it therefore enacted, that in all cases in which the said commissioners have made or shall hereafter make advances, under the powers of the said recited Acts or this Act, for any incomplete work or undertaking, which shall, after the expenditure of such advance and the capital provided for the same, remain unfinished in consequence of the expence of perfecting the same exceeding the sum estimated for the completion thereof at the time of the application for such advance, it shall be lawful for the said commissioners to make any further advance for or towards the completion of any such incomplete work, either in anticipation of the calls to which the proprietors or shareholders of such work shall be liable under the provisions of the said recited Acts or either of them, or on the security of further mortgages of the same works, or upon such other security, and upon such terms and conditions as to the periods of repayment or otherwise, as the said commissioners may direct or appoint; and that such further mortgages and other securities shall be entitled to such and the like priority, privileges, and advantages as any mortgage or other security which may have been previously granted to the said commissioners on such unfinished work; anything contained in any Act or Acts relating to such works, or restricting the amount of capital to be raised by shares, mortgage, or otherwise, on account thereof, or in any of the said recited Acts or this Act, to the contrary notwithstanding.

## CHAPTER LXXV.

AN ACT to repeal the Duties on Spirits made in Ireland, and to impose other Duties in lieu thereof; and to impose additional Duties on Licences to Retailers of Spirits in the United Kingdom. [14th August 1834.]

\* \* \* \* \*

Additional duties on licences for retailing spirits;

VII. AND be it further enacted, that there shall be raised, levied, collected, and paid throughout the United Kingdom the additional rates and duties of excise following; (that is to say,)

Upon every excise licence to be taken out after the tenth day of October one thousand eight hundred and thirty-four by any retailer of spirits in Great Britain and Ireland, if the dwelling house in which such retailer shall reside or retail such spirits shall not, together with the offices and premises therewith occupied, be rented or valued at a rent of ten pounds per annum or upwards, an additional duty of one pound and one shilling:

If the same shall be rented or valued as aforesaid at ten pounds per annum or upwards, and under twenty pounds, two pounds and two shillings:

If at twenty pounds and under twenty-five pounds, three pounds and three shillings:

If at twenty-five pounds and under thirty pounds, three pounds thirteen shillings and sixpence :

If at thirty pounds and under forty pounds, four pounds and four shillings :

If at forty pounds and under fifty pounds, four pounds fourteen shillings and sixpence :

If at fifty pounds per annum or upwards, five pounds and five shillings :

And all such additional duties shall be raised, levied, collected, recovered, accounted for, and paid in the same manner, and under the same provisions, enactments, pains, penalties, and forfeitures, as the duties granted and imposed by an Act passed in the sixth year of the reign of his Majesty King George the Fourth, intituled "An Act to repeal several duties payable on excise licences in Great Britain and Ireland, and to impose other duties in lieu thereof, and to amend the laws for granting excise licences," are raised, levied, collected, recovered, accounted for, and paid. [Rep., Stat. Law Rev. Act, 1874.]

to be collected,  
&c. under  
6 Geo. 4. c. 81.

\* \* \* \* \*

IX. AND whereas by the said herein-before mentioned Act of the sixth year of the reign of his said late Majesty the rates of duty on excise licences taken out by retailers of beer, having the authority of justices of peace to keep a common inn, alehouse, or victualling house, and of spirits, in Great Britain, were fixed and ascertained by the rent or value at which the house and premises occupied or used by such retailers were rated under the authority of any Act or Acts of Parliament for granting duties on inhabited houses ; and by an Act passed in this present session of Parliament the said duties on inhabited houses are repealed ; whereby it has become necessary to make provision for ascertaining the rent or value of houses and premises in respect of which such licences shall hereafter be taken out : Be it therefore enacted, that every house and premises in respect of which any person shall be licensed as such retailer of beer or spirits at the time of the passing of this Act shall continue to be deemed of the same rent or value at which the same was assessed, and in respect of which the licence duty was paid on the last taking out or renewal of the licences by such person, so long as such person shall continue to hold the same, and to renew his licences in respect thereof, and so long as such house and premises shall remain unaltered ; and in case of any such person quitting such house and premises, or of any alteration therein, and in all cases hereafter in which any such licence or licences shall be applied for in respect of any house or premises not licensed at the passing of this Act, the rent or annual value of the house and premises in respect of which such licence or licences shall be applied for shall be ascertained in the manner and by the means and method prescribed by the said Act of the sixth year of his said late Majesty's reign, where houses and premises were not so rated to the duty on inhabited houses ; and the rates of licence duty shall be fixed and paid in conformity thereto according to the amount of duty by the said recited Act and this Act imposed.

6 Geo. 4. c. 81.

4 & 5 Will. 4.  
c. 19.

Houses licensed for retail of beer or spirits to be deemed to be of the same value so long as the present holders hold them and the premises are unaltered. In all other cases the annual value of licensed premises for fixing rate of duty shall be ascertained under 6 Geo. 4. c. 81. s. 5.

X. AND whereas an Act was passed in the ninth year of the reign of his late Majesty King George the Fourth, for regulating the retail of exciseable articles and commodities to passengers on board of passage vessels from one part to another of the United Kingdom ; and by an omission in the said Act. no power is given to any officer of excise, or any other persons than the commissioners of excise, to grant the licences thereby authorized to be granted, whereby great inconvenience and delay is occasioned to persons desirous of obtaining such licences : For remedy whereof be it further enacted, that all licences to be granted under the said Act, or any other Act relating to the revenue of excise, may be granted by the commissioners of excise, or by any

Recital of  
9 Geo. 4. c. 47.

Licences under recited Act or any other excise Act may be



granted by  
commissioners  
of excise or  
their authorized  
officers.

officer or officers of excise who shall be authorized by the commissioners of excise to grant the same; and all licences granted by any officer or officers so authorized shall be good, valid, and effectual; any thing in any Act contained to the contrary notwithstanding.

\* \* \* \* \*

## CHAPTER LXXVI.

AN ACT for the Amendment and better Administration of the Laws relating to the Poor in England and Wales. [14th August 1834.]

**W**HEREAS it is expedient to alter and amend the laws relating to the relief of poor persons in England and Wales: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, his heirs and successors, by warrant under the royal sign manual, to appoint three fit persons to be commissioners to carry this Act into execution, and also from time to time, at pleasure, to remove any of the commissioners for the time being, and upon every or any vacancy in the said number of commissioners, either by removal or by death or otherwise, to appoint some other fit person to the said office; and until such appointment it shall be lawful for the surviving or continuing commissioners or commissioner to act as if no such vacancy had occurred. [Rep., Stat. Law Rev. Act, 1874.]

Appointment  
and removal of  
commissioners.

Style of com-  
missioners;  
who may sit as  
a board, with  
power to sum-  
mon and exam-  
ine witnesses,  
and call for  
production of  
papers, on oath.

**II.** AND be it further enacted, that the said commissioners shall be styled "The Poor Law Commissioners for England and Wales"; and the said commissioners, or any two of them, may sit, from time to time as they deem expedient, as a board of commissioners for carrying this Act into execution; and the said commissioners acting as such board shall be and are hereby empowered, by summons under their hands and seal, to require the attendance of all such persons as they may think fit to call before them upon any question or matter connected with or relating to the administration of the laws for the relief of the poor, and also to make any inquiries and require any answer or returns as to any such question or matter, and also to administer oaths, and examine all such persons upon oath, and to require and enforce the production upon oath of books, contracts, agreements, accounts, and writings, or copies thereof respectively, in anywise relating to any such question or matter [Rep., Stat. Law Rev. Act, 1874.]; . . . . .

Commissioners  
may appoint as-  
sistant com-  
missioners;  
and may re-  
move them and  
appoint others.

**VII.** AND be it further enacted, that the said commissioners shall and they are hereby empowered from time to time to appoint such persons as they may think fit to be assistant commissioners for carrying this Act into execution, at such places and in such manner as the said commissioners may direct, and to remove such assistant commissioners, or any of them, at their discretion, and on every or any vacancy in the said office of assistant commissioner, by removal or by death or otherwise, to appoint, if they see fit, some other person to the said office [Rep., Stat. Law Rev. Act, 1874.]; . . . . .

Commissioners  
may delegate  
powers to as-  
sistant commis-  
sioners, and  
revoke them.

**XII.** AND be it further enacted, that it shall be lawful for the said commissioners to delegate to their assistant commissioners, or to any of them, such of the powers and authorities hereby given to the said commissioners (except the powers to make general rules) as the said commissioners shall think fit; and the powers and authorities so delegated, and the delegation thereof, shall be notified in such manner, and such powers and authorities shall be exercised at such places, for such periods, and under such circumstances, and subject to such regulations, as the said commissioners shall direct; and the said commissioners may at any time revoke, recall, alter, or vary all or any of the powers and authorities which shall be so delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had

[\* So much of this Act as relates to the making of general rules by the poor law commissioners, or to the time or manner when or how any such general rule shall operate or take effect, or to the disallowance of any such general rule or any part thereof, rep., 10 & 11 Vict. c. 109. s. 16.]

been made; and the said assistant commissioners may and are hereby empowered to summon before them such persons as they may think necessary for the purpose of being examined upon oath (which oath such assistant commissioners are hereby empowered to administer) upon any question or matter relating to the poor or their relief, or for the purpose of producing and verifying upon oath any books, contracts, agreements, accounts, and writings, or copies of the same, in anywise relating to such question or matter, and not relating to or involving any question of title to any lands, tenements, or hereditaments not being the property of any parish or union, as such assistant commissioners may think fit [Rep., Stat. Law Rev. Act, 1874.],

Assistant commissioners may summon persons and examine them upon oath.

XIII. AND be it further enacted, that if any person, upon any examination under the authority of this Act, shall wilfully and corruptly give false evidence, he shall be deemed guilty of perjury, and if any person shall make or subscribe a false declaration, he shall, on being convicted thereof, suffer the pains and penalties of perjury; and if any person shall wilfully refuse to attend in obedience to any summons of any commissioner or assistant commissioner, or to give evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be so required to be produced before the said commissioners or assistant commissioners, every person so offending shall be deemed guilty of a misdemeanor. [Rep., Stat. Law Rev. Act, 1874.]

Persons giving false evidence guilty of perjury.

Persons refusing to attend, &c. guilty of a misdemeanor.

XIV. AND be it further enacted, that it shall be lawful for the said commissioners, in any case where they see fit, to order and allow such expences of witnesses, and of or attending the production of any books, contracts, agreements, accounts, or writings, or copies thereof, to or before the said commissioners or assistant commissioners, as such commissioners may deem reasonable, to be paid as follows; that is to say, out of the poor rates of the respective parish or union which in the opinion of the said commissioners shall be interested or concerned in such attendance or production respectively in all cases in which such witnesses shall not go or travel more than ten miles from the respective parish or union which shall be interested or concerned as aforesaid, and in all other cases the expences so ordered or allowed shall be deemed as part of the incidental expences attending the execution of this Act, and be paid accordingly.

Reasonable expences of witnesses, &c. to be paid.

Mode of payment.

[XV.] AND be it further enacted, that from and after the passing of this Act the administration of relief to the poor throughout England and Wales, according to the existing laws, or such laws as shall be in force at the time being, shall be subject to the direction and control of the said commissioners; and for executing the powers given to them by this Act the said commissioners shall and are hereby authorized and required, from time to time as they shall see occasion, to make and issue all such rules, orders, and regulations for the management of the poor, for the government of workhouses and the education of the children therein, . . . and for the apprenticing the children of poor persons, and for the guidance and control of all guardians, vestries, and parish officers, so far as relates to the management or relief of the poor, and the keeping, examining, auditing, and allowing of accounts, and making and entering into contracts in all matters relating to such management or relief, or to any expenditure for the relief of the poor, and for carrying this Act into execution in all other respects, as they shall think proper; and the said commissioners may, at their discretion, from time to time suspend, alter, or rescind such rules, orders, and regulations, or

Administration of relief to the poor to be under control of the commissioners, who are to make rules for the management of the poor, &c.

Commissioners may suspend or alter rules, &c.

[\* So much of this Act as relates to the making of general rules by the poor law commissioners, or to the time or manner when or how any such general rule shall operate or take effect, or to the disallowance of any such general rule or any part thereof, rep., 10 & 11 Vict. c. 109. s. 16.]

any of them: Provided always, that nothing in this Act contained shall be construed as enabling the said commissioners or any of them to interfere in any individual case for the purpose of ordering relief.

\* \* \* \* \*

Rules, orders, &c., before they come into operation in any parish, &c., shall be sent to overseers, &c.

[XVIII.\*] AND be it further enacted, that a written or printed copy of every rule, order, or regulation of the said commissioners shall, before the same shall come into operation in any parish or union, be sent by the said commissioners, by the post, or in such manner as the commissioners shall think fit, sealed or stamped with their seal, addressed to the overseers of such parish, the guardians of such union or their clerk, and to the clerk to the justices of the petty sessions held for the division in which such parish or union shall be situate; and such overseers, guardians, or their clerk, and clerks to the justices aforesaid, are hereby required to keep and preserve, notify and give publicity to, such rules, orders, and regulations, in such manner as the said commissioners shall direct, and also to allow every owner of property or his agent, or any ratepayer, in every such parish or union, to inspect the same at all reasonable times, free of any charge for such inspection, and to furnish copies of the same, being paid for such copies at and after the rate of threepence for every folio of seventy-two words, and to allow copies or extracts thereof to be taken, on being paid for so doing after the rate of three halfpence for every folio of seventy-two words; and in case any such overseer, guardian, clerk, or clerk to the justices, to whom such rules, orders, or regulations, or copies thereof, shall be sent as aforesaid, shall neglect to keep and preserve, notify and give publicity to the same in the mode prescribed or directed by the said commissioners, or shall refuse such inspection, or to furnish or allow such copies thereof to be taken as aforesaid, every person so offending shall for every such offence be subject and liable to a penalty not exceeding the sum of ten pounds nor less than forty shillings, to be recoverable in the same manner as any penalties are by this Act directed to be recovered: Provided also, that if any such rule shall, after the same shall have come into operation, be disallowed in manner herein-before mentioned, or revoked by the said commissioners, then and in every such case the said commissioners shall send, by the post, or in such manner as they shall think fit, to every parish or union affected by the said rule, notice of such disallowance or revocation; such notice of disallowance or revocation to be addressed, kept, preserved, notified, and publicly inspected, and copies thereof furnished or allowed to be taken, in such and the same manner and subject to the same penalties as are herein-before mentioned respecting the rules, orders, and regulations of the said commissioners.

Publicity to be given to rules, &c. in manner directed by commissioners.

Penalty on overseer, &c. neglecting to give publicity, &c.

Disallowance of rule to be notified in like manner.

No inmate of a workhouse obliged to attend any religious service contrary to his religious principles, &c.

XIX. AND be it further enacted, that no rules, orders, or regulations of the said commissioners, nor any bye laws at present in force or to be hereafter made, shall oblige any inmate of any workhouse to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in such workhouse in any religious creed other than that professed by the parents or

[\* So much of this Act as relates to the making of general rules by the poor law commissioners, or to the time or manner when or how any such general rule shall operate or take effect, or to the disallowance of any such general rule, or any part thereof, rep., 10 & 11 Vict. c. 109. s. 16.]

surviving parent of such child, and to which such parents or parent shall object, or, in the case of an orphan, to which the godfather or godmother of such orphan shall so object: Provided also, that it shall and may be lawful for any licensed minister of the religious persuasion of any inmate of such workhouse, at all times in the day, on the request of such inmate, to visit such workhouse for the purpose of affording religious assistance to such inmate, and also for the purpose of instructing his child or children in the principles of their religion.

Visitation of inmates by ministers.

[XX.] AND be it further enacted, that . . . . . no rule, order, or regulation of the said commissioners, except orders made in answer to the statements and reports herein-after authorized to be made by overseers or guardians to the said commissioners, shall be in force until the expiration of fourteen days after a written or printed copy of the same shall have been sent by the said commissioners, sealed or stamped, and addressed as lastly herein-before is mentioned.

When rules of commissioners shall come into force.

[XXI.] AND be it further enacted, that, except where otherwise provided by this Act, all the powers and authorities given in and by a certain Act of Parliament passed in the twenty-second year of the reign of his late Majesty King George the Third, intituled "An Act for the better relief and employment of the poor," and in and by a certain other Act passed in the fifty-ninth year of the reign of his said late Majesty, intituled "An Act to amend the laws for the relief of the poor," and all Acts for amending such Acts respectively, and also all the powers and authorities given by every other Act of Parliament, general as well as local, for or relating to the building, altering, or enlarging of poorhouses and workhouses, and to the acquiring, purchasing, hiring, holding, selling, exchanging, and disposing thereof, or of land whereon the same may have been or may hereafter be erected, and of preparing such houses for the reception of poor persons, and the dieting, clothing, employing, and governing of such poor, and the raising or borrowing of money for any of the purposes aforesaid, and for repaying the same, and all powers of regulating and conducting all other workhouses whatsoever, and of governing, providing for, and employing the poor therein, and all powers auxiliary to any of the powers aforesaid, or in any way relating to the relief of the poor, shall in future be exercised by the persons authorized by law to exercise the same, under the control, and subject to the rules, orders, and regulations of the said commissioners; and the said commissioners and assistant commissioners respectively, and every of them, shall be entitled to attend at every parochial and other local board and vestry, and take part in the discussions, but not to vote at such board or vestry: Provided always, that nothing herein contained shall be construed to give the said commissioners or assistant commissioners any power to order the building, purchasing, hiring, altering, or enlarging of any workhouse, or the purchasing or hiring of any land at

Powers of 22 Geo. 3. c. 83., 59 Geo. 3. c. 12., and all other Acts relating to building workhouses, &c., relieving the poor, and borrowing money for those purposes, and powers of regulating workhouses, &c., to be exercised under control of commissioners, and subject to their orders.

Commissioners, &c. to be entitled to attend local boards and vestries; but not to order the building or hiring of workhouses, &c., except under the powers

[<sup>a</sup> So much of this Act as relates to the making of general rules by the poor law commissioners, or to the time or manner when or how any such general rule shall operate or take effect, or to the disallowance of any such general rule, or any part thereof, rep., 10 & 11 Vict. c. 109. s. 16.]

[<sup>b</sup> Section 21, so far as it relates to 22 Geo. 3. c. 83., is rep., Stat. Law Rev. Act, 1874.]

given by this Act.

the charge or for the use of any parish or union, save and except so far as such powers are expressly given by this Act.

No additions or alterations to be made to the rules contained in the schedule to 22 Geo. 3. c. 83., and no rules to be made under that or any other Act, until confirmed by commissioners.

[XXII.\*] AND whereas by the said Act made and passed in the twenty-second year of the reign of his late Majesty King George the Third it is (among other things) enacted, that the rules, orders, and regulations specified and contained in the schedule thereunto annexed should be duly observed and enforced at every poorhouse or workhouse to be provided by virtue of the said Act, with such additions as should be made by the justices of the peace of the limit wherein such house or houses should be situate, at some special session, provided that such additions should not be contradictory to the rules, orders, and regulations established by that Act, and provided that the same should not be repealed by the justices at their quarter sessions of the peace; and it is expedient that such additions, or other rules, orders or regulations, under that or any local or other Act, should not in future be made without the sanction of the said commissioners: Be it therefore enacted, that no additions or alterations shall hereafter be made to or in the rules, orders, and regulations contained in the schedule to the said recited Act, and no rules, orders, and regulations shall hereafter be made under the authority of the said recited Act, or of any Act made for altering, amending, or extending the same, or any local or other Act relating to poorhouses, workhouses, or the relief of the poor, until the same shall have been submitted to and approved and confirmed by the said commissioners; and that the same, when so confirmed, shall be legally valid and binding upon all persons; and no justice or justices shall have power to repeal the same.

Commissioners, with consent of majority of guardians or ratepayers, &c. may order workhouses to be built, hired, altered, or enlarged.

XXIII. AND be it further enacted, that it shall be lawful for the said commissioners, and they are hereby empowered, from time to time, when they may see fit, by any writing under their hands and seal, by and with the consent in writing of a majority of the guardians of any union, or with the consent of a majority of the ratepayers and owners of property entitled to vote in manner herein-after prescribed, in any parish, such last-mentioned majority to be ascertained in manner provided in and by this Act, to order and direct the overseers or guardians of any parish or union not having a workhouse or workhouses to build a workhouse or workhouses, and to purchase or hire land for the purpose of building the same thereon, or to purchase or hire a workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses, and, with the like consent, to order and direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any buildings capable of being converted into a workhouse or workhouses, to enlarge or alter the same in such manner as the said commissioners shall deem most proper for carrying the provisions of this Act into execution, or to build, hire, or purchase any additional workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses, or to purchase or hire any land for building such additional workhouse or workhouses thereon, of such size and description, and according to such plan, and in such manner, as the said commissioners shall deem most proper for carrying the provisions of this Act into execution; and the overseers and

Expences, how to be raised.

[\* Section 22, so far as it relates to 22 Geo. 3. c. 83., is rep., Stat. Law Rev. Act, 1874.]

guardians to whom any such order shall be directed are hereby authorized and required to assess, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for purchasing or hiring land, or for building, hiring, and maintaining workhouses for the use of the poor, in their respective parishes or unions, or to borrow money for such purposes under the provisions of this or any other Act or Acts.

XXIV. AND be it further enacted, that for the better and more effectually securing the repayment of any sum or sums of money which may be borrowed for the purposes aforesaid, with interest, it shall be lawful for the said overseers or guardians to charge the future poor rates of such parish or union with the amount of such sum or sums of money: Provided always, that the principal sum or sums to be raised for such purposes, whether raised within the year or borrowed, shall in no case exceed the average annual amount of the rates raised for the relief of the poor in such parish or union for three years ending at the Easter next preceding the raising of such money; and that any loan or money borrowed for any of the purposes aforesaid shall be repaid by annual instalments of not less than one tenth of the sum borrowed, with interest on the same, in any one year.

Sums to be raised may be charged on poor rates;

but shall not exceed average annual amount of poor rates;

and shall be repaid by instalments.

XXV. AND be it further enacted, that it shall be lawful for the said commissioners, and they are hereby empowered, without requiring any such consent as aforesaid, by any writing under the hands and seal of the said commissioners, to order and direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any building capable of being converted into a workhouse or workhouses, to enlarge or alter the same according to such plan and in such manner as the said commissioners shall deem most proper for carrying the provisions of this Act into execution; and the overseers or guardians to whom any such order shall be directed are hereby authorized and required to assess, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for altering, enlarging, and maintaining workhouses for the use of the poor in their respective parishes or unions: . . . . .

Commissioners may order workhouses to be enlarged or altered, without consent, &c.

Expences, how to be raised.

XXVI. AND be it further enacted, that it shall be lawful for the said commissioners, by order under their hands and seal, to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor, and such parishes shall thereupon be deemed a union for such purpose, and thereupon the workhouse or workhouses of such parishes shall be for their common use; and the said commissioners may issue such rules, orders, and regulations as they shall deem expedient for the classification of such of the poor of such united parishes in such workhouse or workhouses as may be relieved in any such workhouse, and such poor may be received, maintained, and employed in any such workhouse or workhouses as if the same belonged exclusively to the parish to which such poor shall be chargeable; . . . . .

Commissioners may form parishes into unions, with a common workhouse.

Classification of the poor in such workhouse.

XXVII. AND be it further enacted, that in any union which may be formed under this Act it shall be lawful for any two of his Majesty's justices of the

Justices in unions may order out-door

relief to aged  
and infirm per-  
sons wholly  
unable to work.

peace usually acting for the district wherein such union may be situated, at their just and proper discretion, to direct by order under their hands and seals that relief shall be given to any adult person who shall from old age or infirmity of body be wholly unable to work, without requiring that such person shall reside in any workhouse: Provided always, that one of such justices shall certify in such order of his own knowledge, that such person is wholly unable to work as aforesaid; and provided further that such person shall be lawfully entitled to relief in such union, and shall desire to receive the same out of a workhouse.

When a union  
of parishes  
is proposed,  
commissioners  
shall ascertain  
the average ex-  
pence for the  
relief of the  
poor incurred  
by each parish  
for three years  
preceding.

Parishes to con-  
tribute to a  
common fund  
for purchasing  
workhouse, &c.  
for the union in  
proportion to  
the averages so  
found.

Subsequent  
averages may  
be taken, and  
the propor-  
tionate contri-  
butions adjust-  
ed accordingly.

XXVIII. AND be it further enacted, that when any union of parishes for the administration of the laws for the relief of the poor shall be proposed to be made or shall be made under the provisions of this Act, it shall be lawful for the said commissioners, and they are hereby required, from time to time, by such means and in such manner as they may think fit, to inquire into and ascertain the expence incurred by each parish proposed to form part of such union for the relief of the poor belonging to such parish, whether such relief shall have been given in or out of any workhouse, for the three years ending on the twenty-fifth day of March next preceding such inquiry, and thereupon the said commissioners shall proceed to calculate and ascertain the annual average expence of each parish for that period; and the several parishes included or proposed to be included in such union shall from the time of effecting the same contribute and be assessed to a common fund for purchasing, building, hiring, or providing, altering, or enlarging any workhouse or other place for the reception and relief of the poor of such parishes, or for the purchase or renting of any lands or tenements, under and by virtue of the provisions of this Act, of or for such union, and for the future upholding and maintaining of such workhouses or places aforesaid, and the payment or allowance of the officers of such union, and the providing of utensils and materials for setting the poor on work therein, and for any other expence to be incurred for the common use or benefit or on the common account of such parishes, in the like proportions as on the said annual average of the said three years such relief had cost each such parish separately, until such average shall be varied or altered as herein-after provided: Provided always, and the said commissioners are hereby authorized, if they shall so think fit, but not otherwise, from time to time, either upon the application of the guardians of such union or of the overseers of any parish forming part of the same, or without such application, to cause a like inquiry and calculation to be made and average ascertained for the three years ending on the twenty-fifth day of March next preceding such inquiry; and from and after the ascertaining of any such average, or of any succeeding average, the respective parishes of such union shall contribute and be assessed to the common fund thereof, for the purposes aforesaid, in the proportions which the expence of such parishes shall be found to have borne to each other during such period upon the average which shall have been so last ascertained, until a like inquiry shall be again made, and a new average and proportion ascertained for the future assessment of such parishes.

XXIX. AND whereas in divers unions formed under the said recited Act made and passed in the twenty-second year of the reign of his late Majesty King George the Third, intituled "An Act for the better relief and employ-  
ment of the poor," or under local Acts of incorporation, the whole of the

expence, as well of upholding the united workhouses therein as of maintaining and relieving the poor of the respective parishes of such unions, is assessed upon such parishes in the respective proportions fixed at the period when such unions were formed, and in others a part of such expences is so levied, and a part subjected to variations at stated periods: And whereas some of the parishes of such unions have contributed and still continue to contribute, as their fixed proportion of the general fund, a sum much larger and others a sum much less than the actual expence incurred for the relief of the poor belonging to them respectively: For remedy thereof be it enacted, that it shall be lawful for the said commissioners, as soon as conveniently may be after the passing of this Act, to cause an inquiry to be made and an account rendered, as far as it may be practicable to render the same, by the visitors, directors, acting guardians, or other officers of such parishes or unions respectively, of the expence incurred for the relief of the poor belonging to each parish within any such union, whether such poor shall have been relieved in or out of such parish respectively, or in or out of any united workhouse, and whether such expence has been paid by the general fund of such union or the parochial funds of any of the parishes thereof, or by any private rate, or general subscription in lieu of a rate among the ratepayers of any such parish, and whether passed through the books or paid under the control of the managers or officers of such union, or not, for the period of three years ending on the twenty-fifth day of March one thousand eight hundred and thirty-four, including therein a due proportion of the expence of maintaining the united workhouses and establishment of such union, calculated according to the actual expence otherwise incurred for the relief of the poor belonging to each such parish; and the average annual amount of such expence shall be deemed and taken to have been the annual expence incurred by such parish on account of its poor, notwithstanding such parish may have contributed a greater or smaller sum than such annual average to the general funds of the union during such period; and such annual average, so ascertained as aforesaid, shall, if the said commissioners shall see fit, and to such extent only as they may direct, be deemed and taken as the fixed proportion to be contributed and paid by each such parish respectively towards a common fund for the future hiring, maintaining, and upholding, repairing, altering, or enlarging of any workhouse, and the renting of any land used by such union at the passing of this Act, and for the purchasing, building, hiring, maintaining, upholding, repairing, altering, or enlarging of any new workhouse or workhouses, or other place for the reception and relief of the poor belonging to the parishes of such union, and for the renting or purchase of any lands or tenements under or by virtue of the provisions of this Act, and the payment or allowance of any officers of such union, and the providing of utensils or materials for setting the poor on work therein, and for any other expence to be in future incurred for the common use or benefit of such parishes, and in addition to the cost or proportion of cost of the poor of such parishes who shall be maintained or relieved in or out of any workhouse of such union, for which each such parish shall in future be charged separately; any provision or enactment in the said recited Act or in any such local Acts to the contrary notwithstanding: Provided always, and the said commissioners are hereby authorized, if they see fit, but not otherwise, upon the application of the

The average expences of parishes formed into unions under 22 Geo.3. c. 83. or local Acts may be taken in the same way, and their proportionate contributions adjusted accordingly.

Subsequent averages may be taken and



contributions  
adjusted from  
time to time.

guardians of any such last-mentioned union, or of the overseers of any parish forming part of the same, or without such application, from time to time to cause an inquiry and calculation to be made, and average ascertained, for the three years ending on the twenty-fifth day of March next preceding such inquiry, of the expence incurred by each such parish, as well in respect of its contribution to such common fund as of the cost or proportion of cost of its poor which shall have been maintained or relieved in or out of any workhouse of such union during such period of three years; and from and after the ascertaining of such average or of any succeeding average the respective parishes of such union shall contribute and be assessed to the common fund thereof, for the purposes of which such common fund is herein-before declared to be applicable, in the proportions which the expence of such parishes shall be found to have borne to each other during such period, upon the average which shall have been so last ascertained, until a like inquiry shall be again made and a new average and proportion ascertained for the future assessment of such parishes to such common fund: Provided always, that nothing herein contained shall extend to any parishes already formed or hereafter to be formed into a union for the purposes of settlement or rating, or where the annual assessment is directed to be indifferently proportioned between the several parishes composing such union.

\* \* \* \* \*

Commissioners  
may dissolve,  
add to, or  
take from  
any union;

XXXII. AND be it further enacted, that it shall be lawful for the said commissioners, from time to time, as they may see fit, by order under their hands and seal, to declare any union, whether formed before or after the passing of this Act (except when united for the purposes of settlement or rating), to be dissolved, or any parish or parishes, specifying the same, to be separated from or added to any such union; and, as the case may be, such union shall thereupon be dissolved, or such parish or parishes shall thereupon be separated from or added to such union accordingly; and the said commissioners shall in every such case frame and make such rules, orders, and regulations as they may think fit for adapting the constitution, management, and board of guardians of every such union, from or to which there shall be such separation or addition as aforesaid, to the altered state of the same; and every such union shall after any such alteration be constituted, managed, and governed as if the same had been originally formed in such altered state; and in case any union shall be wholly or partially dissolved as aforesaid, then the parishes constituting, or, in case of a partial dissolution, separated from any such union, shall thenceforth be subject to be re-united, or united with other parishes or unions, or otherwise dealt with according to the provisions of this Act, as the said commissioners shall think fit: Provided always, that in every such case the said commissioners shall and they are hereby required to ascertain the proportionate value to every parish of such union of the workhouses or other property held or enjoyed by such union for the use of the poor or benefit of the ratepayers therein, and also the proportionate amount chargeable on every parish in respect of all the liabilities of such union existing at the time of such dissolution or alteration of the same; and the said commissioners shall thereupon fix the amount to be received, or paid or secured to be paid, by every parish affected by such alteration; and the sum to be received, if any, by such parish shall be paid, or, as the said

and shall there-  
upon make such  
rules as may be  
adapted to its  
altered state.

How parishes  
affected shall  
be dealt with.

Rights and  
interests of  
parishes in the  
property of the  
union, and  
claims on them,  
to be ascertain-  
ed and secured.

commissioners shall direct, be secured to be paid, to the overseers or guardians of the same, for the benefit of such parish, and in diminution of the rates thereof and of the expence attending such alteration; and the sum to be so paid or secured to be paid by every such parish shall be raised, under the direction of the said commissioners, by the overseers or guardians of such parish, or charged on the poor rates of such parish, as the said commissioners may see fit, and shall be paid or secured for the use and benefit of the union from which the same parish shall have been so separated, or of the persons or parishes otherwise entitled thereto, as the case may be: Provided always, that no such dissolution or alteration of the parishes constituting any such union, nor any addition thereto as aforesaid, shall in any manner prejudice, vary, or affect the rights or interests of third persons, unless such third persons, by themselves or their agents, shall consent in writing to such dissolution or proposed alteration or addition; and that no such dissolution, alteration, or addition shall take place or be made unless a majority of not less than two thirds of the guardians of such union shall also concur therein[\*]; and in every such case, when the said majority of the guardians of such union shall so concur in such proposed alteration, the terms on which such concurrence shall have been given, if approved by the said commissioners, shall be binding and conclusive on the several parishes of such union.

*Dissolution or alteration, &c. not to affect rights of third parties, nor to take place without the consent of two thirds of the guardians.*

XXXIII. AND be it further enacted, that in any union already formed or which may hereafter be formed in pursuance of or under the provisions of this Act it shall and may be lawful for the guardians elected by the parishes forming such union, by any writing under the hands of all such guardians, to agree, subject to the approbation of the said commissioners, for or on behalf of the respective parishes forming such union, that for the purposes of settlement such parishes shall be considered as one parish; and in such case such agreement, having been first signed by the said guardians, shall be signed and sealed by the said commissioners, and one part thereof shall be deposited with the said commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the said commissioners, deposited with the clerk of the peace of the county, riding, division, district, or liberty in which the parishes of such union shall be respectively situate; and the said clerk of the peace shall and is hereby required, upon the receipt of such agreement or counterpart or counterparts thereof, to file the same with the records of such county, riding, division, district, or liberty; and from and after the depositing of the same as aforesaid the said agreement shall for ever thereafter be binding on each of such parishes, and shall not be revoked or annulled; and the settlement of a poor person in any one of the parishes of such union shall be considered, as between such parishes, a settlement in such union, and the expence of maintaining, supporting, and relieving every such poor person, and all other expences of maintaining, supporting, and relieving the poor to which any one of such parishes shall be liable after the depositing of such agreement, part, or counterpart as aforesaid, or of ascertaining, litigating, or adjudging the settlement of any poor person in any of such parishes, shall form part of the general expences and be paid out of the common funds

*Guardians of parishes in a union may, with consent of commissioners, agree that the parishes shall be one parish for purposes of settlement.*

*Agreement to be deposited with commissioners, and a counterpart with clerk of the peace.*

*Poor to be thereafter relieved out of the common fund.*

[\* So much of section 32 as requires the concurrence of two thirds of the guardians in the dissolution of any union rep., as to the metropolis, 32 & 33 Vict. c. 63. s. 1.]

Contributions of the several parishes to be fixed.

of such union: Provided always, that wherever such agreement is entered into as aforesaid the rate or proportion of contribution to such common funds to be thereafter paid by each of the parishes of such union shall be ascertained and fixed in like manner as in and by this Act is provided for in cases where any union of parishes is made or proposed to be made under the provisions thereof, and shall not be subject to further variation.

Guardians, with consent of commissioners, may agree that union shall be one parish for purpose of rating.

XXXIV. AND be it further enacted, that where the parishes of any union shall be situate within the same county, riding, division, district, or liberty, under the jurisdiction of the same justices of the peace, it shall and may be lawful for the guardians elected by the parishes forming such union, by any writing under the hands of all such guardians, to agree, with the approbation of the said commissioners, for or on behalf of the respective parishes for which they shall so act as guardians, that, for the purposes of raising in common the necessary funds for the relief of the poor of such union, such parishes shall be considered one parish; and in such case such agreement, having been first signed by the said guardians, shall be signed and sealed by the said commissioners, and one part thereof deposited with the said commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the said commissioners, deposited with the clerk of the peace of the county, riding, division, district, or liberty, counties, district or districts, in which the said parishes of such union shall be situate; and the said clerk or clerks of the peace shall and is and are hereby required, upon the receipt of such agreement, part or counterpart, to file the same with the records of such county, riding, division, district, or liberty, or counties, district, or districts; and from and after the depositing and filing of such last-mentioned agreement or counterpart the same shall be for ever binding upon such parishes, and shall not be revoked or annulled.

Agreement shall be deposited with commissioners, and a counterpart with clerk of the peace.

Guardians to ascertain and assess value of property in the several parishes

XXXV. AND be it further enacted, that from and after such depositing and filing of the said agreement, part or counterpart, the said guardians shall, under such regulations as the said commissioners shall in that respect prescribe, proceed to ascertain and assess the value of the property in the several parishes of such union rateable to the relief of the poor, and to cause to be made such surveys and valuations of the said property, or any part thereof, as may be necessary, from time to time, to make a fair and just assessment upon the said united parishes in respect of such property so rateable as aforesaid; and all rates grounded on every such valuation or assessment shall be made, allowed, published, and recovered in such and the same manner as rates for the relief of the poor are now by law made, allowed, published, and recovered; and the ratepayers shall have the like power of appeal against such last-mentioned rates as any persons now have against rates made for the relief of the poor.

Rates grounded on such assessment to be allowed, &c. as poor rates.

In such cases contributions from parishes to cease, and all expenditure for the poor to be in common, and charged on the common fund raised by the common rate.

XXXVI. AND be it further enacted, that from and after any such common rate shall have come into operation the proportions of contribution fixed at the period of uniting such parishes, or existing at the time of such last-mentioned agreement for a common rate, shall wholly cease; and all expenditure in respect of the poor of such union, or chargeable in any way on the poor rates of the respective parishes thereof, shall be deemed and be the common expenditure of such union, and be chargeable upon and paid out of the common or general fund to be raised upon such parishes under such common

rate, according to the valuation or assessment of the rateable property in such parishes so ascertained, confirmed, and allowed by the said justices from time to time in manner herein-before provided: Provided always, that the expence of every such valuation shall at all times be a charge on the common rate of such parishes: Provided always, that in case any parish of any union, at the period of entering into such agreement for the purposes of settlement or a common rate, shall not be represented by a guardian elected solely by such parish, such parish shall not be bound by any such agreement, unless a majority of the owners of property and ratepayers in such parish, entitled to vote in the manner provided by this Act, shall, by their votes in writing, testify their assent to such agreement in such form as the said commissioners shall prescribe; and in case such assent shall not be so given, such parish shall be wholly omitted from such agreement, and be liable to pay such proportion only of the common assessment as it was bound to pay upon the forming of the union, of such parishes.

Expence of valuation.

Proviso for consent of parishes not represented by guardians.

XXXVII. AND be it further enacted, that from and after the passing of this Act no union or incorporation of parishes shall be formed under the provisions of the said Act made and passed in the twenty-second year of the reign of his late Majesty King George the Third, without the previous consent of the said commissioners, testified under their hands and seal.

No union to be formed under 22 Geo. 3. c. 83. without consent of commissioners.

XXXVIII. AND be it further enacted, that where any parishes shall be united by order or with the concurrence of the said commissioners for the administration of the laws for the relief of the poor, a board of guardians of the poor for such union shall be constituted and chosen, and the workhouse or workhouses of such union shall be governed, and the relief of the poor in such union shall be administered, by such board of guardians; and the said guardians shall be elected by the ratepayers, and by such owners of property in the parishes forming such union as shall in manner herein-after mentioned require to have their names entered as entitled to vote as owners in the books of such parishes respectively; and the said commissioners shall determine the number and prescribe the duties of the guardians to be elected in each union, and also fix a qualification without which no person shall be eligible as such guardian, such qualification to consist in being rated to the poor rate of some parish or parishes in such union, but not so as to require a qualification exceeding the annual rental of forty pounds, and shall also determine the number of guardians which shall be elected for any one or more of such parishes, having due regard to the circumstances of each such parish: Provided always, that one or more guardians shall be elected for each parish included in such union; and such guardians, when so elected, shall continue in office until the twenty-fifth day of March next following their appointment or until others are appointed in their stead, and on such twenty-fifth day of March, or if that day should fall on a Sunday or Good Friday then on the day next following, or within fourteen days next after the said twenty-fifth day of March in every year, such guardians shall go out of office, and the guardians for the ensuing year shall be chosen; and in the event of any vacancy occurring in such board by the death, removal or resignation, or refusal or disqualification to act of any elected guardian, between the periods of such first and the next and any subsequent annual election, or in case the full number of guardians shall not be duly elected at such subsequent election

Constitution, election, and powers of boards of guardians for unions.

Justices to be  
guardians ex  
officio.

No guardian to  
have power ex-  
cept at the  
board, unless  
otherwise di-  
rected by the  
commissioners.

Three members  
to be a quorum.

Guardians may  
be re-elected,  
&c.

Election, &c. of  
guardians for  
single parishes.

At elections of  
guardians votes  
to be taken in  
writing, and  
owners as well  
as occupiers to  
vote.

Scale of voting.

of guardians for the time being, the other or remaining members of the said board shall continue to act until the next election, or until the completion of the said board, as if no such vacancy had occurred, and as if the number of such board were complete; and every justice of the peace residing in any such parish, and acting for the county, riding, or division in which the same may be situated, shall be an ex officio guardian of such united or common workhouses, and shall, until such board of guardians shall be duly elected and constituted as aforesaid, and also in case of any irregularity or delay in any subsequent election of guardians, receive and carry into effect the rules, orders, and regulations of the said commissioners; and after such board shall be elected and constituted as aforesaid every such justice shall ex officio be and be entitled, if he think fit, to act as a member of such board, in addition to and in like manner as such elected guardians: Provided always, that, except where otherwise ordered by the said commissioners, and also except for the purpose of consenting to the dissolution or alteration of any union or any addition thereto, or to the formation of any union for the purposes of settlement or rating, no ex officio or other guardian of any such board as aforesaid shall have power to act in virtue of such office except as a member and at a meeting of such board; and no act of any such meeting shall be valid unless three members shall be present and concur therein: Provided also, that nothing herein contained shall prevent such owners and ratepayers from re-electing the same persons or any or either of them to be guardians for the year next ensuing, nor from electing as a guardian any person who may already have been chosen as a guardian of any other parish.

XXXIX. AND be it further enacted, that if the said commissioners shall, by any order under their hands and seal, direct that the administration of the laws for the relief of the poor of any single parish should be governed and administered by a board of guardians, then such board shall be elected and constituted and authorized and entitled to act for such single parish, in like manner in all respects as is herein-before enacted and provided in respect to a board of guardians for united parishes; and every justice of the peace resident therein, and acting for the county, riding, or division in which the same is situated, shall be and may act as an ex officio member of such board.

XL. AND be it enacted, that in all cases of the election of guardians under this Act, or wherever the consent of the owners of property or ratepayers in any parish or union shall be required for any of the purposes of this Act, except when otherwise expressly provided for in this Act, the votes of such owners and ratepayers shall be given or taken in writing, collected, and returned, in such manner as the said commissioners shall direct; and in every such case the owner, as well as the ratepayer, in respect of any property in such parish or union, shall be entitled to vote, and the owner shall have the same number and proportion of votes respectively as is provided for inhabitants and other persons in and by an Act made and passed in the fifty-eighth year of the reign of his said late Majesty King George the Third, intituled "An Act for the regulation of "parish vestries," and in and by an Act to amend the same, made and passed in the fifty-ninth year of his said late Majesty; and the ratepayers under two hundred pounds shall each have a single vote; and the ratepayers rated at two hundred pounds or more, but under four hundred pounds, shall each have two votes, and the ratepayers rated at four hundred pounds or more shall each have three votes [Rep., 7 & 8 Vict. c. 101. s. 14.]; and the majority of the votes of such owners and ratepayers which shall be actually collected and returned shall in every such case

be binding on such parish; and for the purpose of ascertaining the number of votes to which each such owner shall be entitled, the aggregate amount of the assessment for the time being of any property belonging to such owner in such parish, or on any person or persons in respect of the same, to the poor rate, shall be deemed to be and be taken as the annual value of such property to such owner; and where any such owner shall be the bonâ fide occupier of any such property, he shall be entitled to vote as well in respect of his occupation as of his being such owner: Provided always, that it shall be lawful for any owner from time to time, by writing under his hand, to appoint any person to vote as his proxy; . . . . . but no owner shall be entitled to vote, either in person or proxy, unless he shall, previous to the day on which he shall claim to vote, have given a statement in writing of his name and address, and the description of the property in the parish as owner whereof, or proxy for the owner whereof, he claims to vote, and if such proxy, the original or an attested copy of the writing appointing him such proxy, to the overseers of such parish; and the said overseers are hereby required to enter in the rate books of such parish, or in some other book to be from time to time provided for that purpose, the names and addresses of the owners and proxies who shall send such statements, and the assessment of the rate for the relief of the poor of the property in respect whereof they respectively claim to vote: Provided also, that every person who shall not vote, or who shall not comply with the directions to be made by the said commissioners for the giving, taking, or returning of votes, shall be omitted in the calculation of votes, and considered as having had no vote on the question whereon he might have voted: Provided also, that no person shall be deemed a ratepayer, or be entitled to vote, or do any other act, matter, or thing as such, under the provisions of this Act, unless he shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such ratepayer, and shall have paid the parochial rates and assessments made and assessed upon him for the period of one whole year, as well as those due from him at the time of so voting or acting, except such as shall have been made or become due within the six months immediately preceding such voting or acting: Provided always, that in cases of property belonging to any corporation aggregate, or to any joint stock or other company, no member of such corporation, or proprietor of or interested in such joint stock or other company shall be entitled to vote as such owner in respect thereof; but any officer of such corporation, joint stock or other company, whose name shall be entered by the direction of the governing body of such corporation or company in the books of the parish, in the manner herein-before directed with respect to the owner of property, shall be entitled to vote in respect of such property in the same manner as if he were the owner thereof.

Votes may be given by proxy.

No ratepayer to vote, &c. unless, rated one year, &c.

Proviso as to votes on behalf of corporations.

[XLI.\*] AND be it further enacted, that all elections of guardians, visitors, and other officers, for the execution of any of the powers or purposes of the said recited Act made and passed in the twenty-second year of the reign of his said late Majesty King George the Third, intituled "An Act for the better relief and employment of the poor," or of any local Act of Parliament relating to poorhouses, workhouses, or the relief of the poor, or any Act to alter or

Elections of guardians, visitors, and other officers under 22 Geo. 3. c. 83. or any local Act shall be made according to the

[\* Section 41, so far as it relates to 22 Geo. 3. c. 83., is rep., Stat. Law Rev. Act, 1874.]

provisions of  
this Act.

Commissioners,  
with consent,  
may alter  
period of office,  
number, &c. of  
guardians in  
unions under  
this Act.

Commissioners  
may make  
rules, &c. for  
government of  
present or future  
workhouses,  
and vary rules  
already in force  
or to be made  
hereafter.

Rules, &c.  
affecting more  
than one union  
to be deemed  
general rules.

Justices may  
see rules en-  
forced, and visit  
workhouses,  
pursuant to  
30 Geo. 3. c. 49.

amend the same respectively, shall hereafter, so far as the said commissioners shall direct, be made and conducted according to the provisions of this Act: Provided always, that it shall be lawful for the said commissioners, if they shall so think fit, from time to time, with the consent of the majority of the owners of property and ratepayers of any parish, or of any union now existing or to be formed under the provisions of this Act, to alter the period for which the guardians to be appointed under the provisions of this Act for such parish or union, or any of them, would under the provisions of this Act hold office, for such other period or periods as to the said commissioners, with such consent as aforesaid, shall seem expedient, and also to make such alterations in the number, mode of appointment, removal, and period of service of the guardians, or any of them, of any parish, or of any union now existing or to be formed under the provisions of this Act, as to the said commissioners, with such consent as aforesaid, shall seem expedient.

[XLII.\*] AND be it further enacted, that the said commissioners may and are hereby authorized, by writing under their hands and seal, to make rules, orders, and regulations, to be observed and enforced at every workhouse already established by virtue of the said recited Act made and passed in the twenty-second year of the reign of his said late Majesty King George the Third, intituled "An Act for the better relief and employment of the poor," or any general or local Act of Parliament, or hereafter to be established by virtue of such Acts or of any of them, or of this or any other Act of Parliament relating to the relief of the poor, for the government thereof, and the nature and amount of the relief to be given to and the labour to be exacted from the persons relieved, and the preservation therein of good order, and from time to time to suspend, alter, vary, amend, or rescind the same, and make any new or other rules, orders, and regulations, to be observed and enforced as aforesaid, as they from time to time shall think fit, and to alter, at their discretion, any of the rules, orders, and regulations contained in the schedule to the said recited Act, and also to alter or rescind any rules, orders, and regulations heretofore made in pursuance of the said recited Act, or any local Act of Parliament relating to workhouses or the relief of the poor; and that all rules, orders, and regulations to be from time to time made by the said commissioners under the authority of this Act shall be valid and binding, and shall be obeyed and observed, as if the same were specifically made by and embodied in this Act; subject, nevertheless, to the said power of the said commissioners from time to time to rescind, amend, suspend, or alter the same: Provided always, that if any such rule, order, or regulation shall be, at the time of issuing the same, directed to and affect more than one union, the same shall be considered as a general rule, and subject and liable to all the provisions in this Act contained respecting general rules.

XLIII. AND be it further enacted, that where any rules, orders, or regulations, or any bye laws, shall be made or directed by the said commissioners to be observed or enforced in any workhouse, it shall and may be lawful for any justice of the peace acting in and for the county, place, or jurisdiction in which such workhouse shall be situate, to visit, inspect, and examine such workhouse

[\* Section 42, so far as it relates to 22 Geo. 3. c. 83., is rep., Stat. Law Rev. Act, 1874.]

at such times as he shall think proper, for the purpose of ascertaining whether such rules, orders, regulations, or bye laws are or have been duly observed and obeyed in such workhouse, as well as for such other purposes as justices are now authorized to visit workhouses under and by virtue of a certain Act made and passed in the thirtieth year of the reign of his said late Majesty King George the Third, intituled "An Act to empower justices and other persons " to visit parish workhouses or poorhouses, and examine and certify the state " and condition of the poor therein to the quarter sessions"; and if in the opinion of such justice such rules, orders, regulations, or bye laws, or any of them, have not been duly observed and obeyed in such workhouse, it shall be lawful for such justice to summon the party offending in such respect to appear before any two justices of the peace to answer any complaint touching the nonobservance of such rules, orders, regulations, and bye laws, or any of them; and upon conviction before such two justices of the party so offending, such party shall forfeit and be liable to such penalties and punishments as are herein-after prescribed and provided against parties wilfully neglecting or disobeying the rules, orders, or regulations of the said commissioners: Provided always, that where no such rules, orders, regulations, or bye laws shall have been directed by the said commissioners to be enforced and observed in the workhouse of any parish, nothing in this Act contained shall be construed to restrain or prevent any justice of the peace, physician, surgeon, or apothecary, or the officiating clergyman of any parish, from visiting such workhouse, and examining and certifying the state and condition of the same and of the poor therein, in such manner as they or any of them are authorized to do in and by the said last-recited Act.

The power given to justices, &c. by 30 Geo. 3. c. 49. to visit workhouses preserved where commissioners' rules, &c. are not in force.

XLIV. WHEREAS the jurisdiction of certain cities, boroughs, and corporate towns is not always co-extensive with the parish in which it exists: Be it therefore enacted, that every house or building which shall be erected, purchased, or hired as and for a workhouse, together with all premises and appurtenances thereto belonging, and the land or lands occupied therewith, shall be deemed and held to be within and subject to the local jurisdiction of such incorporated city, borough, or town to which they may respectively belong, though the same may be situated in such part of the respective parishes as may not be within the chartered boundaries thereof.

Buildings taken for workhouses of cities, boroughs, &c. to be within the jurisdiction of the place to which they belong, though situated without the boundaries.

XLV. AND be it further enacted, that nothing in this Act contained shall authorize the detention in any workhouse of any dangerous lunatic, insane person, or idiot, for any longer period than fourteen days; and every person wilfully detaining in any workhouse any such lunatic, insane person, or idiot, for more than fourteen days, shall be deemed guilty of a misdemeanor: Provided always, that nothing herein contained shall extend to any place duly licensed for the reception of lunatics and other insane persons, or to any workhouse being also a county lunatic asylum.

No lunatic, insane person, or dangerous idiot to be detained in a workhouse more than 14 days.

Such detention a misdemeanor.

XLVI. AND be it further enacted, that it shall be lawful for the said commissioners, as and when they shall see fit, by order under their hands and seal, to direct the overseers or guardians of any parish or union, or of so many parishes or unions as the said commissioners may in such order specify and declare to be united for the purpose only of appointing and paying officers, to appoint such paid officers with such qualifications as the said commissioners shall think necessary for superintending or assisting in the administration of

Commissioners may direct overseers and guardians to appoint paid officers for parishes or unions;



and fix their duties, and the mode of appointment and dismissal, and the security to be given by them ;  
and regulate their salaries.

Salaries how chargeable and recoverable.

Overseers, &c. to pass accounts quarterly.

Recovery of balances.

Surety not to be discharged.

the relief and employment of the poor, and for the examining and auditing, allowing or disallowing of accounts in such parish or union, or united parishes, and otherwise carrying the provisions of this Act into execution ; and the said commissioners may and they are hereby empowered to define and specify and direct the execution of the respective duties of such officers, and the places or limits within which the same shall be performed, and direct the mode of the appointment and determine the continuance in office or dismissal of such officers, and the amount and nature of the security to be given by such of the said officers as the said commissioners shall think ought to give security, and, when the said commissioners may see occasion, to regulate the amount of salaries payable to such officers respectively, and the time and mode of payment thereof, and the proportions in which such respective parishes or unions shall contribute to such payment ; and such salaries shall be chargeable upon and payable out of the poor rates of such parish or union, or respective parishes, in the manner and proportions fixed by the said commissioners, and shall be recoverable against the overseers or guardians of such parish or union, or parishes, by all such ways and means as the salaries of assistant overseers or other paid officers of any parish or union are recoverable by law ; and all such payments shall be valid, and shall be allowed in the accounts of the overseers or guardians paying the same.

XLVII. AND be it further enacted, that every overseer, treasurer, or other person having the collection, receipt, or distribution of the monies assessed for the relief of the poor in any parish or union, or holding or accountable for any balance or sum of money, or any books, deeds, papers, goods, or chattels relating to the relief of the poor, or the collection or distribution of the poor rate of any parish or union, shall once in every quarter, in addition to the annual account now by law required, and where the rules, orders, and regulations of the said commissioners shall have come in force, then as often as the said rules, orders, and regulations shall direct, but not less than once in every quarter, make and render to the guardians, auditors, or such other persons as by virtue of any statute or custom, or of the said rules, orders, or regulations, may be appointed to examine, audit, allow, or disallow such accounts, or in default of any such guardian, auditor, or other person being so appointed as aforesaid, then to the justices of the peace at their petty sessions for the division in which such parish or union shall be situate, a full and distinct account in writing of all monies, matters, and things committed to their charge, or received, held, or expended by them on behalf of any such parish or union, and, if thereunto required by the justices, guardians, auditors, or other persons authorized in that behalf, shall verify on oath the truth of all such accounts and statements from time to time respectively, or subscribe a declaration to the truth thereof, in manner and under the penalties in this Act provided for parties giving false evidence or refusing to give evidence under the provisions of this Act ; and all balances due from any guardian, treasurer, overseer or assistant overseer, or other person having the control and distribution of the poor rate, or accountable for such balances, may be recovered in the same manner as any penalties and forfeitures are recoverable under this Act : Provided nevertheless, that no such proceeding shall exonerate or discharge the liability of the surety of any such treasurer, overseer, assistant overseer, or other person as aforesaid.

XLVIII. AND be it further enacted, that the said commissioners may and they are hereby authorized and empowered, as and when they shall think proper, by order under their hands and seal, either upon or without any suggestion or complaint in that behalf from the overseers or guardians of any parish or union, to remove any master of any workhouse, or assistant overseer, or other paid officer of any parish or union whom they shall deem unfit for or incompetent to discharge the duties of any such office, or who shall at any time refuse or wilfully neglect to obey and carry into effect any of the rules, orders, regulations, or bye laws of the said commissioners, whether such union shall have been made or such officer appointed before or after the passing of this Act, and to require from time to time the persons competent in that behalf to appoint a fit and proper person in his room; and that any person so removed shall not be competent to be appointed to or to fill any paid office connected with the relief of the poor in any such parish or union, except with the consent of the said commissioners under their hands and seal: Provided always, that no person shall be eligible to hold any parish office, or have the management of the poor in any way whatever, who shall have been convicted of felony, fraud, or perjury.

Commissioners may remove masters of workhouses and parish officers.

Disqualification for parochial office by conviction for felony, &c.

XLIX. AND be it further enacted, that any contract which shall be entered into by or on behalf of any parish or union, for or relating to the maintenance, clothing, lodging, employment, or relief of the poor, or for any other purpose relating to or connected with the general management of the poor which shall not be made and entered into in conformity with the rules, orders, or regulations of the said commissioners in that behalf in force at the time of making and entering into the same, or otherwise sanctioned by them, shall be voidable, and, if the said commissioners shall so direct, shall be null and void; and all payments made under or in pursuance of any contract not made and entered into in conformity with such rules, orders, or regulations, at any period after the said commissioners shall have declared the same to be null and void as aforesaid, shall be disallowed in passing the accounts of the overseer, guardian, or other officer by whom such payments shall have been made.

Contracts for maintenance, &c. of poor not to be valid unless conformable to the rules of commissioners or sanctioned by them.

\* \* \* \* \*

[LI.] AND be it further enacted, that so much of a certain Act made and passed in the fifty-fifth year of the reign of his said late Majesty King George the Third, intituled "An Act to prevent poor persons in workhouses from embezzling certain property provided for their use, to alter and amend so much of an Act of the thirty-sixth year of his present Majesty as restrains justices of the peace from ordering relief to poor persons in certain cases for a longer period than one month at a time, and for other purposes therein mentioned, relating to the poor," as inflicts a penalty on persons having the management of the poor if concerned in providing or in any contract for the supply of any goods, materials, or provisions for the use

The penalty imposed by 55 Geo. 3. c. 137. on persons having the management of the poor being concerned in any contract extended to persons appointed under this Act.

[\* So much of 55 Geo. 3. c. 137. and of this Act as renders the churchwardens and overseers of the poor of any parish comprised in a union liable to a penalty in respect of the furnishing, providing, or supplying of goods, materials, or provisions for the use of any workhouse, or the support and maintenance of the poor, rep., 31 & 32 Vict. c. 122. s. 44.]

of any workhouse or workhouses, or otherwise for the support or maintenance of the poor for their own profit, and all remedies for the recovery of such penalties, shall apply and the same are hereby extended and made applicable to every commissioner, assistant commissioner, guardian, treasurer, master of a workhouse, or other officer to be appointed under the provisions of this Act.

Commissioners to regulate the relief to able-bodied paupers and their families out of the workhouse.

Relief contrary to their regulations to be disallowed ;

but overseers, &c. may delay the operation of such regulations under special circumstances, and make report thereof to commissioners.

If commissioners disapprove of delay, they may fix a day from which their orders shall come into operation.

LII. AND whereas a practice has obtained of giving relief to persons or their families who, at the time of applying for or receiving such relief, were wholly or partially in the employment of individuals, and the relief of the able-bodied and their families is in many places administered in modes productive of evil in other respects : And whereas difficulty may arise in case any immediate and universal remedy is attempted to be applied in the matters aforesaid : Be it further enacted, that from and after the passing of this Act it shall be lawful for the said commissioners, by such rules, orders, or regulations as they may think fit, to declare to what extent and for what period the relief to be given to able-bodied persons or to their families in any particular parish or union may be administered out of the workhouse of such parish or union, by payments in money, or with food or clothing in kind, or partly in kind and partly in money, and in what proportions, to what persons or class of persons, at what times and places, on what conditions, and in what manner such out-door relief may be afforded ; and all relief which shall be given by any overseer, guardian, or other person having the control or distribution of the funds of such parish or union, contrary to such orders or regulations, shall be and the same is hereby declared to be unlawful, and shall be disallowed in the accounts of the person giving the same, subject to the exceptions hereinafter mentioned : Provided always, that in case the overseers or guardians of any parish or union to which such orders or regulations shall be addressed or directed shall, upon consideration of the special circumstances of such parish or union or of any person or class of persons therein, be of opinion that the application and enforcing of such orders or regulations, or of any part thereof, at the time or in the manner prescribed by the said commissioners, would be inexpedient, it shall be lawful for such overseers or guardians to delay the operation of such orders or regulations, or of any part thereof, for any period not exceeding the space of thirty days, to be reckoned from the day of the receipt of such orders or regulations ; and such overseers or guardians shall, twenty days at the least before the expiration of such thirty days, make a statement and report of such special circumstances to the said commissioners ; and all relief which shall be given by such overseers or guardians, before an answer to such report shall have been returned by the said commissioners, if otherwise lawful, shall not be deemed unlawful although the same shall have been given contrary to such orders or regulations, or any of them ; but in case the said commissioners shall disapprove of such delay, or think that for the future such orders or regulations ought to come into operation notwithstanding the special circumstances alleged by such overseer or guardian, it shall be lawful for the said commissioners, by a peremptory order, to direct that from and after a day to be fixed thereby such orders and regulations, or such parts or modifications thereof as they may think expedient and proper, shall be enforced and observed by such overseers and guardians ; and if any allowance be made or relief given by such overseers

or guardians after the said last-mentioned period, contrary to any such last-mentioned order, the amount of the relief or allowance so given shall be disallowed in the accounts of the party giving the same: Provided also, that a quarterly report of all such cases as shall occur in any quarter shall, at the end of every such quarter, be laid by the said commissioners before one of his Majesty's principal secretaries of state: Provided also, that in case the overseers or guardians of any parish or union in which such orders or regulations shall be in force shall depart from them or any of them in any particular instance or instances of emergency, and shall within fifteen days after every such departure report the same and the grounds thereof to the said commissioners, and the said commissioners shall approve of such departure, or if the relief so given shall have been given in food, temporary lodging, or medicine, and shall have been so reported as aforesaid, then and in either of such cases the relief granted by such overseers or guardians, if otherwise lawful, shall not be unlawful or subject to be disallowed.

Quarterly  
report of cases.

Proviso for  
cases of  
emergency.

LIII. AND be it further enacted, that an Act passed in the thirty-sixth year of the reign of his late Majesty King George the Third, intituled "An Act to amend so much of an Act made in the ninth year of the reign of King George the First, intituled 'An Act for amending the laws relating to the settlement, employment, 'and relief of the poor,' as prevents the distributing occasional relief to poor persons in their own houses, under certain circumstances, and in certain cases"; and so much of an Act made and passed in the fifty-fifth year of the reign of his late Majesty King George the Third, intituled "An Act to prevent poor persons in workhouses from embezzling certain property provided for their use, to alter and amend so much of an Act of the thirty-sixth year of his present Majesty as restrains justices of the peace from ordering relief to poor persons in certain cases for a longer period than one month at a time, and for other purposes therein mentioned relating to the poor," as extends the period for which occasional relief may be ordered by any justice or justices to poor persons at their own homes; and so much of the said Act made and passed in the fifty-ninth year of the reign of his late Majesty King George the Third, intituled "An Act to amend the laws for the relief of the poor," as empowers any justice or justices to order relief in certain cases for a limited time, or in cases of urgent necessity, or in cases where parishes are under the management of guardians, governors, or directors appointed by special or local Acts, or in cases where parishes have not a select vestry, shall be and the same are hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

Repeal of  
36 Geo. 3. c. 23.

55 Geo. 3.  
c. 137. ss. 3 & 4.

and 59 Geo. 3.  
c. 12. ss. 2 & 5.

LIV. AND be it further enacted, that from and after the passing of this Act the ordering, giving, and directing of all relief to the poor of any parish which, according to the provisions of any of the said recited Acts, or of an Act passed in the first and second years of the reign of his present Majesty, intituled "An Act for the better regulating of vestries, and for the appointment of auditors of accounts in certain parishes in England and Wales," or of this Act, or of any local Acts, shall be under the government and control of any guardians of the poor, or of any select vestry, and whether forming part of any union or incorporation or not (but subject in all cases to and saving and excepting the powers of the said commissioners appointed under this Act), shall appertain and belong exclusively to such guardians of the poor or select vestry, according to the respective provisions of the Acts under which such guardians or select vestry may have been or shall be appointed; and it shall not be lawful for any overseer of the poor to give any further or other relief or allowance from the poor rate than such as shall be ordered by such guardians or select vestry, except in cases of sudden and urgent necessity, in which cases he is hereby required to give such temporary relief as each case shall

No relief to be  
in future given,  
except by board  
of guardians or  
select vestry.

1 & 2 Will. 4.  
c. 60.

Temporary relief  
by over-  
seers in cases of  
emergency.

Justice may order temporary relief, where overseers refuse it, to persons not residing in the parish.

Any justice may give order for medical relief in dangerous illness.

Masters of workhouses and overseers to keep registers of persons in receipt of relief in and out of workhouse.

Relief given to wife or children to be considered as given to husband or father; to child of widow, as given to widow.

Parents, &c. not exempt from liability to maintain children, &c. under 43 Eliz. c. 2.

require, in articles of absolute necessity, but not in money, and whether the applicant for relief be settled in the parish where he shall apply for relief or not: Provided always, that in case such overseer shall refuse or neglect to give such necessary relief in any such case of necessity to poor persons not settled nor usually residing in the parish to which such overseer belongs, it shall and may be lawful for any justice of the peace to order the said overseer, by writing under his hand and seal, to give such temporary relief in articles of absolute necessity, as the case shall require, but not in money; and in case such overseer shall disobey such order, he shall, on conviction before two justices, forfeit any sum not exceeding five pounds which such justices shall order: Provided always, that any justice of the peace shall be empowered to give a similar order for medical relief (only) to any parishioner, as well as out-parishioner, where any case of sudden and dangerous illness may require it; and any overseer shall be liable to the same penalties as aforesaid for disobeying such order; but it shall not be lawful for any justice or justices to order relief to any person or persons from the poor rates of any such parish, except as herein-before provided.

LV. AND be it enacted, that from and after the passing of this Act the master of every workhouse, or such other paid officer of the parish or union as the said commissioners may direct, shall, on such day and in such form as the said commissioners shall appoint, take an account of, and register in a book to be provided at the expence of the parish or union to which such workhouse shall belong, and to be kept specially for that purpose, the name of every poor person who shall on such days be in the receipt of relief at or in such workhouse, together with such particulars respecting the families and settlement of every such poor person, and his and their relief and employment, as the said commissioners shall think fit, and in like manner, on such day as the said commissioners shall appoint, the overseer of the poor of every such parish shall register in a book, to be provided and kept as aforesaid, the name of every poor person then in the receipt of relief in such parish out of the workhouse, together with such particulars respecting the family and settlement of every such poor person, and his and their relief and employments, as the said commissioners shall think fit; and after such account shall have been so taken and registered as aforesaid, a similar register and account shall be kept by the like persons respectively of all persons who shall receive relief at or in or out of a workhouse, when and as often as such relief shall be granted.

LVI. AND be it further enacted, that from and after the passing of this Act all relief given to or on account of the wife, or to or on account of any child or children under the age of sixteen, not being blind or deaf and dumb, shall be considered as given to the husband of such wife, or to the father of such child or children, as the case may be, and any relief given to or on account of any child or children under the age of sixteen of any widow shall be considered as given to such widow: Provided always, that nothing herein contained shall discharge the father and grandfather, mother and grandmother of any poor child, from their liability to relieve and maintain such poor child in pursuance of the provisions of a certain Act of Parliament passed in the forty-third year of the reign of her late Majesty Queen Elizabeth, intituled "An Act for the relief of the poor."

LVII. AND be it further enacted, that every man who from and after the passing of this Act shall marry a woman having a child or children at the time of such marriage, whether such child or children be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his family, and shall be chargeable with all relief, or the cost price thereof, granted to or on account of such child or children, until such child or children shall respectively attain the age of sixteen, or until the death of the mother of such child or children; and such child or children shall, for the purposes of this Act, be deemed a part of such husband's family accordingly.

Husband liable to maintain children of wife born before marriage, legitimate or illegitimate, up to age of 16, or death of mother.

LVIII. AND be it further enacted, that from and after the passing of this Act any relief, or the cost price thereof, which shall be given to or on account of any poor person above the age of twenty-one, or to his wife, or any part of his family under the age of sixteen, and which the said commissioners shall by any rule, order, or regulation declare or direct to be given or considered as given by way of loan, and whether any receipt for such relief, or engagement to repay the same, or the cost price thereof, or any part thereof, shall have been given or not by the person to or on account of whom the same shall have been so given, shall be considered, and the same is hereby declared to be, a loan to such poor person.

Such relief as commissioners may direct shall be considered as a loan.

LIX. AND be it further enacted, that in all cases where any relief shall have been given by way of loan, or where any relief, or the cost price thereof, shall be treated as a loan, under the rules, orders, and regulations of the said commissioners, or the provisions of this Act, it shall be lawful for any justice, upon the application of the overseers or guardians of the parish or union providing such relief, and upon proof of the same having been given to or on account of any such person, his wife or family, as aforesaid, and of the same, or any part thereof, still remaining due, to issue a summons, requiring such person, as well as the master or employer of such person, or some person on his behalf, to appear before any two justices, at a time and place to be named in such summons, to show cause why any wages due, or which may from time to time become due from such master or employer, should not be paid over, in whole or in part, to such overseers or guardians; and if no sufficient cause be shown to the contrary, or if such person, or some one on his behalf, shall not appear on the return of such summons, then the said justices shall, by order under their hands, direct the master or employer for the time being from whom any wages shall be due or from time to time become due or payable to such poor person, to pay, either in one sum or by such weekly or other instalments as the said justices shall in their discretion think fit, taking into consideration the circumstances of such poor person and his family, out of such wages, to such overseers or guardians, the amount of such relief, or so much thereof as shall from time to time be due or unpaid; and the payment to and receipt of any such overseer or guardian shall be a good discharge to such master or employer for so much of any such wages as shall be so paid by virtue of any such order; and if any such master or employer shall refuse or neglect to pay to the overseer or guardian producing any such order the money thereby directed to be paid, according to the terms of such order, and at the periods thereby fixed for such payment, the same may

Justices may attach wages in hands of master or employer for repayment of relief given by way of loan.

Mode of proceeding by overseers, &c. against masters for recovery thereof.

be levied and recovered, and the payment thereof from time to time enforced against such master or employer, in such and the like manner as penalties and forfeitures are recoverable under this Act.

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Justices to certify that rules of commissioners have been complied with in binding poor children apprentices.

LXI. AND be it further enacted, that from and after the period at which any rule, order, or regulation of the said commissioners shall come into operation for the binding of poor children apprentices, in addition to such assent or consent, order, or allowance of justices, as are now required by law, such justices or any one justice are and is hereby authorized and required to examine and ascertain whether the rules, orders, or regulations of the said commissioners then in force for the binding of poor children apprentices have been complied with, and to certify the same at the foot of every such contract or indenture, and of the counterpart thereof, in such form and manner as the said commissioners by such rules, orders, or regulations may direct; and until so certified no such contract or indenture of apprenticeship shall be valid: Provided nevertheless, that nothing in this Act, or in any rule, order, or regulation of the said commissioners, shall affect the jurisdiction of any justices of the peace over any master or apprentice during the period of apprenticeship.

Power of justices as between master and apprentice preserved.

Ratepayers and owners may raise money on security of rates for expences of emigration of poor persons having settlements in the parish.

LXII. AND be it further enacted, that it shall and may be lawful for the ratepayers in any parish, and such of the owners of property therein as shall, in manner herein-before mentioned, have required their names to be entered in the rate books of such parishes respectively as entitled to vote as owners, assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place of holding such meeting, and the purpose for which the same is intended to be held, shall have been given in like manner as notices of vestry meetings are published and given, to direct that such sum or sums of money, not exceeding half the average yearly rate for the three preceding years, as the said owners and ratepayers so assembled at such meeting may think proper, shall be raised or borrowed as a fund, or in aid of any fund or contribution for defraying the expences of the emigration of poor persons having settlements in such parish, and willing to emigrate, to be paid out of or charged upon the rates raised or to be raised for the relief of the poor in such parish, and to be applied under and according to such rules, orders, and regulations as the said commissioners shall in that behalf direct: Provided always, that no such direction for raising money for such purpose as aforesaid shall have any force or effect unless and until confirmed by the said commissioners; and that the time to be limited for the repayment of any sum so charged on such rates as aforesaid shall in no case exceed the period of five years from the time of borrowing the same: Provided also, that all sums of money so raised as last herein-before mentioned, and advanced by way of loan for the purposes of emigration, or such proportion thereof as the said commissioners shall by any rule, order, or regulation from time to time direct, shall be recoverable against any such person, being above the age of twenty-one years, who or whose family, or any part thereof, having consented to emigrate, shall refuse to emigrate after such expences shall have been so incurred, or having emigrated shall return, in such and the like manner as is herein-before provided with respect to relief, or the cost price of

Recovery of expences incurred from person refusing to emigrate after consenting, or returning.

relief, given or considered to be given by way of loan to any person, his wife or family.

LXIII. AND be it further enacted, that where it shall be lawful, under the provisions of any of the herein-recited Acts, or of any local Act, or of this Act, to raise or borrow any sum or sums of money for the purpose of purchasing, building, altering, or enlarging any workhouse or workhouses in any parish or union, or for purchasing land whereon to build the same, or for defraying the expences of the emigration of poor persons having settlements in any parish and being willing to emigrate, it shall be lawful for the overseers or guardians of such parish or union, with the consent of the said commissioners, to be testified under their hands and seal, to make application for an advance of any sum necessary for any such purposes to the commissioners appointed under an Act made and passed in the fifty-seventh year of the reign of his late Majesty King George the Third, intituled "An Act to authorize the issue of Exchequer bills, and the advance of money out of the consolidated fund, to a limited amount, for the carrying on of public works and fisheries in the United Kingdom, and employment of the poor in Great Britain, in manner therein mentioned," and of any Act or Acts passed for amending or continuing the same; and the said Exchequer bill loan commissioners are hereby empowered to make such advances, upon any such application as aforesaid, upon the security of the rates for the relief of the poor in such parish or union, and without requiring any further or other security than a charge on such rates.

Overseers may apply to loan commissioners under 57 Geo. 3. c. 34. and amending Acts for advance of money for building workhouses, emigration, &c. on security of rates.

LXIV. AND be it further enacted, that from and after the passing of this Act no settlement shall be acquired by hiring and service, or by residence under the same, or by serving an office.

No settlement by hiring and service, residence under the same, or serving office.

LXVI. AND be it further enacted, that from and after the passing of this Act no settlement shall be acquired or completed by occupying a tenement, unless the person occupying the same shall have been assessed to the poor rate, and shall have paid the same, in respect of such tenement for one year.

No settlement by occupation without paying poor rate for one year;

LXVII. AND be it further enacted, that from and after the passing of this Act no settlement shall be acquired by being apprenticed in the sea service, or to a householder exercising the trade of the seas as a fisherman or otherwise, nor by any person now being such an apprentice in respect of such apprenticeship.

nor by being apprenticed in the sea service;

LXVIII. AND be it further enacted, that no person shall be deemed, adjudged, or taken to retain any settlement gained by virtue of any possession of any estate or interest in any parish, for any longer or further time than such person shall inhabit within ten miles thereof; and in case such person shall cease to inhabit within such distance, and thereafter become chargeable, such person shall be liable to be removed to the parish wherein previously to such inhabitancy he may have been legally settled, or in case he may have subsequently to such inhabitancy gained a legal settlement in some other parish, then to such other parish.

nor by possession of any estate within a parish except during residence within 10 miles thereof.

LXIX. AND be it further enacted, that from and after the passing of this Act so much of any Act or Acts of Parliament as enables any single woman to charge any person with having gotten her with any child of which she shall then be pregnant, or as renders any person so charged liable to be apprehended or committed, or required to give security, on any such charge, or as enables the mother of any bastard child or

Repeal of Acts relating to liability and punishment of putative father, and punishment



of mother of  
illegitimate  
children.

children to charge or affiliate any such child or children on any person as the reputed or putative father thereof, or as enables any overseer or guardian to charge or make complaint against any person as such reputed or putative father, and to require him to be charged with or contribute to the expences attending the birth, sustentation, or maintenance of any such child or children, or to be imprisoned or otherwise punished for not contributing thereto, or as in any way renders such reputed or putative father liable to punishment or contribution as such, or as enables churchwardens and overseers, by the order of any two justices of the peace, confirmed by the sessions, to take, seize, and dispose of the goods and chattels, or to receive the annual rents or profits of the lands of any putative father of bastard children, and so much of any such Act or Acts as renders an unmarried woman with child liable as such to be summoned, examined, or removed, or as renders the mother of any bastard liable as such to be imprisoned or otherwise punished, shall, so far as respects any child which shall be likely to be born or shall be born a bastard after the passing of this Act, or the mother or putative father of such child, be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

Mother of illegitimate children, while unmarried, bound to maintain the same until 16.

LXXI. AND be it further enacted, that every child which shall be born a bastard after the passing of this Act shall have and follow the settlement of the mother of such child until such child shall attain the age of sixteen or shall acquire a settlement in its own right, and such mother, so long as she shall be unmarried or a widow, shall be bound to maintain such child as a part of her family until such child shall attain the age of sixteen; and all relief granted to such child while under the age of sixteen shall be considered as granted to such mother: Provided always, that such liability of such mother as aforesaid shall cease on the marriage of such child, if a female.

No person employed in administration of poor laws to furnish, for his own profit, goods or provisions given in parochial relief.

[LXXVII.\*] AND be it further enacted, that it shall not be lawful for any person hereafter to be appointed in any parish or union to any office concerned in the administration of the laws for the relief of the poor, or for any person who after the twenty-fifth day of March one thousand eight hundred and thirty-five shall fill any such office, to furnish or supply, for his own profit or on his own account, any goods, materials, or provisions ordered to be given in parochial relief, or to furnish or supply any goods, materials, or provisions for or in respect of the money ordered to be given in parochial relief to any person in such parish or union; and every person holding such office shall, on conviction before any two justices of the peace, be subject to a penalty of five pounds for such offence, one half of which penalty shall be paid to the informer, and the other half in aid of the poor rates of such parish or union.

No person to be removed till 21 days after notice of his being chargeable has been sent to the parish to which order of removal is directed.

LXXIX. AND be it further enacted, that from and after the first day of November one thousand eight hundred and thirty-four no poor person shall be removed or removable under any order of removal from any parish or workhouse, by reason of his being chargeable to or relieved therein, until twenty-one days after a notice in writing of his being so chargeable or relieved, accompanied by a copy or counterpart of the order of removal of

[\* So much of 55 Geo. 3. c. 137. and of this Act as renders the churchwardens and overseers of the poor of any parish comprised in a union liable to a penalty in respect of the furnishing, providing, or supplying of goods, materials, or provisions for the use of any workhouse, or the support and maintenance of the poor, rep., 31 & 32 Vict. c. 122. s. 44.]

such person, and by a copy of the examination upon which such order was made [Rep., 11 & 12 Vict. c. 31. s. 1.], shall have been sent, by post or otherwise, by the overseers or guardians of the parish obtaining such order, or any three or more of such guardians, to the overseers of the parish to whom such order shall be directed: Provided always, that if such overseers or guardians as last aforesaid, or any three or more of such guardians, shall by writing under their hands agree to submit to such order, and to receive such poor person, it shall be lawful to remove such poor person according to the tenor of such order, although the said period of twenty-one days may not have elapsed: Provided also, that if notice of appeal against such order of removal shall be received by the overseers or guardians of the parish from which such poor person is directed in such order to be removed within the said period of twenty-one days, it shall not be lawful to remove such poor person until after the time for prosecuting such appeal shall have expired, or, in case such appeal shall be duly prosecuted, until after the final determination of such appeal.

Such person may be removed sooner if order submitted to.

No removal pending appeal.

LXXX. AND be it enacted, that the overseers or guardians of the parish giving such notice of appeal, or their attorney, or any other person authorized by them, shall, until such appeal shall have been heard and decided, at all proper times have free access to such poor person for the purpose of examining him touching his settlement; and in case it shall be necessary for the more effectual examination of such person that he should be taken out of the removing parish, such overseers or guardians shall be permitted to remove him therefrom for the time which may be necessary for that purpose: Provided always, that the expence of such removal, and of his maintenance during the same, shall be defrayed by the appellant parish.

In case of appeal the overseers of parish appealing may examine the person touching his settlement; and he may be removed for examination.

Expences of removal.

LXXXI. AND be it further enacted, that after the first day of November one thousand eight hundred and thirty-four, in every case where notice of appeal against such order shall be given, the overseers or guardians of the parish appealing against such order, or any three or more of such guardians, shall, with such notice, or fourteen days at least before the first day of the sessions at which such appeal is intended to be tried, send or deliver to the overseers of the respondent parish a statement in writing under their hands of the grounds of such appeal; and it shall not be lawful for the overseers of such appellant parish to be heard in support of such appeal, unless such notice and statement shall have been so given as aforesaid: Provided always, that it shall not be lawful for the respondent or appellant parish, on the hearing of any appeal, to go into or give evidence of any other grounds of removal, or of appeal against any order of removal, than those set forth in such respective order, examination, or statement as aforesaid.

Grounds of appeal to be stated.

LXXXII. AND be it further enacted, that upon every such appeal the court before whom the same shall be brought shall and may, if they think fit, order and direct the parish against which the same shall be decided to pay to the other such costs and charges as may to such court appear just and reasonable, and shall certify the amount thereof; and in case the overseers of the poor of the parish liable to pay the same shall, upon demand, and upon the production of such certificate, refuse or neglect to pay the same, the amount thereof may be recovered from such overseer in the same manner as any penalties or forfeitures are by this Act recoverable.

Parish losing appeal to pay such costs as court may direct.

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Cost of relief to be paid by parish to which poor persons are adjudged to belong; and to be recoverable from such parish by the parish paying the same.

Relief under suspended order of removal not to be recoverable unless notice of such order be sent to parish to which it is directed.

Commissioners may call for accounts of estates held in trust for relief of poor, &c.

Exception in case of voluntary contributions.

Advertisements, mortgages, contracts, &c. not liable to stamp duty.

Payments by overseers, &c.

LXXXIV. AND be it further enacted, that the parish to which any poor person whose settlement shall be in question at the time of granting relief shall be admitted or finally adjudged to belong shall be chargeable with and liable to pay the cost and expence of the relief and maintenance of such poor person, and such cost and expence may be recovered against such parish in the same manner as any penalties or forfeitures are by this Act recoverable: Provided always, that such parish, if not the parish granting such relief, shall pay to the parish by which such relief shall be granted the cost and expence of such relief and maintenance from such time only as notice of such poor person having become chargeable shall have been sent by such relieving parish to the parish to which such poor person shall be so admitted or finally adjudged to belong: Provided always, that no charges or expences of relief or maintenance shall be recoverable under a suspended order of removal unless notice of such order of removal, with a copy of the same, and of the examination upon which such order was made [Rep., 11 & 12 Vict. c. 31. s. 1.], shall have been given within ten days of such order being made to the overseers of the poor of the parish to whom such order is directed.

LXXXV. AND be it enacted, that it shall be lawful for the said commissioners and they are hereby empowered, from time to time as they may think fit, to require from all persons in whom any freehold, copyhold, or leasehold estate, or any other property or funds belonging to any parish, and held in trust for or applicable to the relief of the poor, or which may be applied in diminution of the poor rate of such parish, shall be vested, or who shall be in the receipt of the rents, profits, or income of any such estate, property, or funds, a true and detailed account in writing of the place where such estate may be situate, or in what mode or on what security such other property or funds may be invested, with such details of the rents, profits, and income thereof, and of the appropriation of the same, and of all such other particulars relating thereto, as the said commissioners may direct and require; and such statement or a true copy thereof shall, under the regulations of the said commissioners, be open for the inspection of the owners of property and ratepayers in such parish: Provided always, that nothing herein-before contained shall apply to any funds raised from time to time by the voluntary contributions of the inhabitants of any parish.

LXXXVI. AND be it further enacted, that no advertisement inserted by or under the direction of the said commissioners in the London Gazette or any newspaper, for the purpose of carrying into effect any provisions of this Act, nor any mortgage, bond, instrument, or any assignment thereof, given by way of security in pursuance of the rules, orders, or regulations of the said commissioners, and conformable thereto, nor any contract or agreement, or appointment of any officer, made or entered into in pursuance of such rules, orders, or regulations, and conformable thereto, nor any other instrument made in pursuance of this Act, nor the appointment of any paid officer engaged in the administration of the laws for the relief of the poor, or in the management or collection of the poor rate, shall be charged or chargeable with any stamp duty whatever.

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LXXXIX. AND be it further enacted, that all payments, charges, and allowances made by any overseer or guardian, and charged upon the rates

for the relief of the poor, contrary to the provisions of this Act, or at variance with any rule, order, or regulation of the said commissioners made under the authority of this Act, shall be and the same are hereby declared to be illegal, any law, custom, or usage to the contrary notwithstanding; and every justice of the peace is hereby required to disallow as illegal and unfounded all payments, charges, or allowances contrary to the provisions of this Act, or to any such rule, order, or regulation of the said commissioners, which shall be contained in any account of any overseer of the poor or guardian which shall be presented for the purpose of being passed or allowed: Provided always, that no allowance by any justice shall exonerate or discharge such overseer or guardian from any penalty or legal proceeding to which he may have rendered himself liable by having acted contrary to the rules, orders, and regulations of the said commissioners, or to the provisions of this Act.

contrary to this Act to be disallowed.

XC. AND be it further enacted, that the leaving of any summons authorized to be issued by any commissioner, assistant commissioner, or justice of the peace, under this Act, at the usual or last known place of abode of the party to whom such summons shall be directed, shall in every case be deemed good and sufficient service of such summons.

Service of summons.

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XCII. AND be it further enacted, that if any person shall carry, bring, or introduce, or attempt or endeavour to carry, bring, or introduce, into any workhouse now or hereafter to be established, any spirituous or fermented liquor, without the order in writing of the master of such workhouse, it shall be lawful for the master of such workhouse, or any officer of the same acting under his direction, to apprehend or cause to be apprehended such offender, and to carry him or her before a justice of the peace, who is hereby empowered to hear and determine such offence in a summary way; and upon conviction thereof the party so offending shall forfeit and pay any sum of money not exceeding ten pounds for every such offence, as such justice may direct; and in default of payment of the penalty hereby imposed such justice may and is hereby required to commit such offender to the common gaol or house of correction for the district in which such workhouse shall be situate for any space of time not exceeding two calendar months, unless such penalty shall be sooner paid.

Penalty on persons introducing spirituous or fermented liquors into workhouses.

XCIII. AND be it further enacted, that if any master of a workhouse shall order any spirituous or fermented liquor to be carried, brought, or introduced into any workhouse, except for the domestic use of himself or of any officer of the said workhouse, or their respective families, or except by and under the written authority of the surgeon of such workhouse, or of any justice visiting the same, or of the guardians of such workhouse, or in conformity with any rules, orders, or regulations of the said commissioners; or if any such master or any other officer of any workhouse shall carry, bring, or introduce into such workhouse, or sell, use, lend, or give away therein, or knowingly permit or suffer to be carried, brought, or introduced, or sold, used, lent, or given away therein, any spirituous or fermented liquor, contrary to the rules, orders, and regulations of the said commissioners, or shall punish with any corporal punishment any adult person in such workhouse, or confine any such person for any offence or misbehaviour for any longer space of time than twenty-four hours, or such further space of time as may be necessary

Penalty on master of workhouse allowing use of spirituous, &c. liquors, or ill-treating poor persons, or misconducting themselves.

Power for justices to order salaries, &c. to be stopped, and applied towards payment of penalties.

in order to have such person carried before a justice of the peace, or shall in any way abuse or ill-treat, or be guilty of any other misbehaviour, or otherwise misconduct himself towards or with respect to any poor person in such workhouse, every such master or officer of a workhouse so offending shall for every such offence, upon the complaint of the overseers or guardians of the parish or union to which such workhouse shall belong, or of any such poor person, and upon conviction of such offence before any two justices, forfeit and pay such sum of money, not being more than twenty pounds, as such justices may direct; and in default of payment of the penalty hereby imposed such justices may and are hereby required to commit such offender to the common gaol or house of correction for the district in which such workhouse shall be situate for any space of time not exceeding six calendar months, unless such penalty shall be sooner paid: Provided always, that if at the time when any such master or officer of a workhouse shall be so convicted of any such offence there shall be due to him any sum of money or salary in respect of his employment as such master or officer of such workhouse, or upon any balance of account from the overseers or guardians of the parish or union to which such workhouse shall belong, it shall be lawful for such justices, upon the application of such overseers or guardians, by order in writing under their hand to direct that such sum of money, salary, or balance, so far as the same shall extend, or a sufficient part thereof, shall be retained and applied for the use of such parish or union by such overseers or guardians, in payment or part payment of any such penalty; and such order shall be a good and valid discharge to such overseers or guardians for so much money as may by such order be directed to be so retained and applied against the claim or demand of the master or other officer of such workhouse in respect of any such sum of money, salary, or balance.

Masters to hang up copies of two preceding clauses in workhouses.

XCIV. AND be it further enacted, that the master of every workhouse shall cause one or more copy or copies of the two preceding clauses to be printed or fairly written, and hung up in one of the most public places of such workhouse, and renew the same from time to time, so that it be always kept fair and legible, on pain of forfeiting the sum of ten pounds for every wilful default.

Penalties on overseers and other officers disobeying justices and guardians.

XCV. AND be it further enacted, that in case any overseer, assistant overseer, master of a workhouse, or other officer of any parish or union, shall wilfully disobey the legal and reasonable orders of such justices and guardians in carrying the rules, orders, and regulations of the said commissioners or assistant commissioners, or the provisions of this Act into execution, every such offender shall, upon conviction before any two justices, forfeit and pay for every such offence any sum not exceeding five pounds.

No overseer to be prosecuted for not executing illegal orders of justices or guardians.

XCVI. PROVIDED always, and be it further enacted, that no overseer shall from henceforth be liable to any prosecution or penalty for not carrying into execution any illegal order of such justices or guardians, any law or statute to the contrary notwithstanding.

Penalty on overseers, &c. purloining, &c. goods, &c., 20*l.*, and treble the value of the goods, and disqualification for office.

XCVII. AND be it further enacted, that if any overseer, assistant overseer, master of a workhouse, or other paid officer, or any other person employed by or under the authority of the said guardians, shall purloin, embezzle, or wilfully waste or misapply any of the monies, goods, or chattels belonging to any parish or union, every such offender shall, besides and in addition to such pains and penalties as such person so offending shall, independently of this

Act, be liable to, upon conviction before any two justices, forfeit and pay for every such offence any sum not exceeding twenty pounds, and also treble the amount or value of such money, goods, or chattels so purloined, embezzled, wasted, or misapplied; and every person so convicted shall be for ever thereafter incapable of serving any office under the provisions of this or any other Act in relation to the relief of the poor.

XCVIII. AND be it further enacted, that in case any person shall wilfully neglect or disobey any of the rules, orders, or regulations of the said commissioners or assistant commissioners, or be guilty of any contempt of the said commissioners sitting as a board, such person shall, upon conviction before any two justices, forfeit and pay for the first offence any sum not exceeding five pounds, for the second offence any sum not exceeding twenty pounds nor less than five pounds, and, in the event of such person being convicted a third time, such third and every subsequent offence shall be deemed a misdemeanor, and such offender shall be liable to be indicted for the same offence, and shall on conviction pay such fine, not being less than twenty pounds, and suffer such imprisonment, with or without hard labour, as may be awarded against him by the court by or before which he shall be tried and convicted.

Penalty on persons wilfully disobeying rules, orders, and regulations of commissioners, &c.

• XCIX. AND be it further enacted, that all penalties and forfeitures by this Act inflicted or authorized to be imposed for any offence against the same shall, upon proof and conviction of the offences respectively before any two justices, either by the confession of the party offending, or by the oath of any credible witness or witnesses (which oath such justices are in every case hereby fully authorized to administer), or upon order made as aforesaid, be levied, together with the costs attending the information, summons, and conviction, by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, by warrant under the hands of the justices before whom the party may have been convicted, or, on proof of such conviction, by a warrant under the hands of any two justices acting for the county, riding, or division (which warrant such justices are hereby empowered and required to grant); and the overplus (if any), after such penalties and forfeitures and the charges of such distress and sale are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and in case such fines, penalties, and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justices as aforesaid to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such justices as aforesaid, for his or their appearance before such justices on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than seven days from the time of taking any such security, and which security the said justices as aforesaid are hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such justices as aforesaid, as the case may be, and they are hereby authorized and required, by warrant or warrants under their hands, to cause such offender or offenders to be committed to the common gaol or house of correction of the county, riding, or place where the offender shall be or reside, there to remain without bail or mainprize for any term not exceeding

Forfeitures, costs, and charges may be levied by distress and sale.

Offenders may be detained till distress warrants are returned;

and committed in default of distress.

Application of penalties.

three calendar months, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied; and the penalties and forfeitures, when so levied, shall be paid to or for the use of the parish or union where such offence shall have been committed, to be applied in aid of the poor rate of such parish or union.

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Proceedings before justices by summons for the recovery of penalties.

OI. AND be it further enacted, that in all cases in which any penalty or forfeiture is recoverable before the justices of the peace under this Act, it shall and may be lawful for any commissioner or assistant commissioner or any justice, to whom complaint in writing shall be made of any such offence, to summon the party complained against to appear before any two justices; and on such summons the said two justices may hear and determine the matter of such complaint, and on proof of the offence convict the offender and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same.

Satisfaction recoverable for special damage, but distress not unlawful for want of form in the proceedings.

CII. AND be it further enacted, that where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any default or want of form in any proceedings relating thereto, nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity which shall afterwards happen in making the distress; but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case: Provided always, that no plaintiff shall recover in any action for any irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made by or on behalf of the party who shall have committed or caused to be committed any such irregularity, trespass, or wrongful proceedings, before such action shall have been brought; and in case no such tender shall have been made it shall and may be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall see fit; whereupon such proceedings or orders and judgment shall be had, made, and given in and by such court as in other actions where the defendant is allowed to pay money into court.

Plaintiff not to recover for irregularity if tender of amends be made.

Payment into court.

Appeal to the quarter sessions against order of justices within four calendar months after cause of complaint, &c.

CIII. PROVIDED also, and be it further enacted, that if any person or persons shall find himself, herself, or themselves aggrieved by any order or conviction of any justice or justices, where such person or persons shall be convicted in any penalty or penalties exceeding five pounds, or if any person shall find himself aggrieved by any order made under the provisions of this Act on such person as the putative father of any bastard child, it shall be lawful for such person or persons to appeal to any general or quarter sessions of the peace to be held in and for the county, riding, or division in which such order shall have been made or conviction taken place within four calendar months next after the cause of complaint shall have arisen, or if such sessions shall be held before the expiration of one calendar month next after such cause of complaint, then such appeal shall be made to the next following sessions either of which court of sessions is hereby empowered to hear and finally determine the matter of the said appeal, and to make such order therein as to them shall seem meet, which order shall be final and conclusive to and

upon all parties; provided that the person or persons so appealing shall give or cause to be given at least fourteen days notice in writing of his, her, or their intention of appealing as aforesaid, and of the matter or cause thereof, to the respondent or respondents, and within five days after such notice shall enter into a recognizance before some justice of the peace, with sufficient securities, conditioned to try such appeal at the then next general sessions or quarter sessions of the peace, which shall first happen, and to abide the order of and pay such costs as shall be awarded by the justices at such quarter sessions, or any adjournment thereof; and such justices, upon hearing and finally determining such matter of appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper; and their determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

Fourteen days notice in writing to be given, &c., and recognizance to be entered into.

Costs of appeal.

Judgment of quarter sessions final.

CIV. AND be it further enacted, that no action or suit shall be commenced against any commissioner, assistant commissioner, or any other person, for any thing done in pursuance of or under the authority of this Act, until twenty-one days notice has been given thereof in writing to the party or person against whom such action is intended to be brought, nor after sufficient satisfaction or tender thereof shall have been made to the party aggrieved, nor after three calendar months next after the act committed for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other county or place; and the defendant in such action or suit may plead the general issue, and give this Act and any special matter in evidence, at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such action or suit was brought before twenty-one days notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid, or if any action or suit shall not be commenced within the time before limited, or shall be laid in any other county than as aforesaid, then the jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if, upon any demurrer in such action, judgment shall be given for the defendant therein, then and in any of the cases aforesaid such defendant shall have costs, charges, and expences as between attorney and client, and shall have such remedy for recovering the same as any defendant may have for his or her costs in any other case by law.

Limitation of actions, &c.

Venue.

Defendant may plead the general issue.

Costs.

CV. AND be it further enacted, that no rule, order, or regulation of the said commissioners or assistant commissioners, or any of them, shall be removed or removable by writ of certiorari into any court of record, except his Majesty's Court of King's Bench at Westminster; and that every rule, order, or regulation which shall be removed by writ of certiorari into the said Court of King's Bench shall nevertheless, unless and until the same shall be declared illegal by that court, continue in full force and virtue, and be obeyed, performed, and enforced, in such and the same manner, and by such and the same ways and means, as if the same had not been so removed.

Rules, &c. to be removable by certiorari to Court of King's Bench only.

Rules, &c. so removed to continue in force until declared illegal.

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Notice to be given to commissioners of application for writ of certiorari, &c.

Commissioners may show cause.

Recognizances to be entered into by party applying for writ.

If rule declared legal, commissioners may recover costs.

If rules are quashed, the same to be notified to parishes to which such rules have been directed.

Proviso for existing contracts.

No person to be answerable for acts done under such rules until receipt of notice.

Interpretation of terms: "auditor";

"general rule";

**CVI. AND** be it further enacted, that no application shall be made for any writ of certiorari for the removal of any such rule, order, or regulation, except to the judges when sitting in the said court, nor unless notice in writing shall have been left at the office of the said commissioners at least ten days previous to such application being made, and in which notice shall be set forth the name and description of the party by or on behalf of whom and the day on which it is intended to make such application, together with a statement of the grounds thereof; and thereupon it shall be lawful for the said commissioners to show cause in the first instance against such application, and the court may, if it shall so think fit, forthwith proceed to hear and determine the same upon the grounds set forth in such notice.

**CVII. AND** be it further enacted, that previous to any writ of certiorari being issued the party or parties applying for the same shall enter into a recognizance, with sufficient sureties, before one of his Majesty's justices of the Court of King's Bench, or before a justice of the peace of the county or place in which such person shall reside, in the sum of fifty pounds, with condition to prosecute the same, at his or their costs and charges, with effect, without any wilful or affected delay, and in default thereof, or in the event of such rule, order, or regulation being deemed legal, to pay the said commissioners their full costs, charges, and expences, to be taxed according to the course of the said Court of King's Bench; and if the said rule, order, or regulation, so removed by the said writ of certiorari into the said Court of King's Bench, shall be declared legal by the said court, the commissioners entitled to such costs, within ten days after demand made of the person or persons who ought to pay the said costs, upon oath made of the making such demand and refusal of payment thereof, may recover the same in the same manner as any penalties and forfeitures are recoverable under this Act.

**CVIII. AND** be it further enacted, that if upon the hearing of the application the court shall order a writ of certiorari to issue for bringing up any such rule, order, or regulation, and the same, being brought into court, shall be quashed as illegal, the said commissioners shall forthwith notify the judgment of the court to all unions, parishes, or places to which such rule, order, or regulation shall have been directed, and the same shall from the time of receiving such notice respectively be deemed and taken to be null and void to all intents and purposes whatsoever: Provided that such judgment shall not have the effect of annulling any contracts made in pursuance or upon the authority of any such rule, order, or regulation, which at the receipt of such notice respectively shall have been executed by either of the contracting parties: Provided also, that no person shall be liable to be prosecuted, either by indictment or by civil action, for or in respect of any act done by him before the receipt of such notice, under the authority and in pursuance of such rule, order, or regulation.

**CIX. AND** be it further enacted, that in the construction of this Act the word "auditor" shall be construed to mean and include every person, other than justices of the peace acting in virtue of their office, appointed or empowered to audit, control, examine, allow, or disallow the accounts of any guardian, overseer, or vestrymen relating to the receipt or expenditure of the poor rate; the words "general rule" shall be construed to mean any rule

relating to the management of the poor or to the execution of this Act which shall at the time of issuing the same be addressed by the said commissioners to more than one union, or to more parishes or places than one not forming a union or not to be formed into or added to a union under or by virtue of such rule ; the word "guardian" shall be construed to mean and include any visitor, "guardian"; governor, director, manager, acting guardian, vestryman, or other officer in a parish or union, appointed or entitled to act as a manager of the poor and in the distribution or ordering of the relief to the poor from the poor rate under any general or local Act of Parliament; the words "justice or justices of the "justice or justices of the peace"; "peace" shall be construed to include justices of the peace of any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, county of a town, cinque port, or town corporate, unless where otherwise provided by this Act; the word "oath" shall be construed "oath"; to include the affirmation of a Quaker, Separatist, or Moravian; the words "orders and regulations" shall be construed to mean and include any rule, "orders and regulations"; order, regulation, or bye law relating to the management or relief of the poor, or the execution of this Act, which at the time of issuing the same shall be addressed, directed, or applied to any one parish or union, or to any number of parishes which have been or by virtue of any order shall be constituted a union or added to a union; the word "officer" shall be construed to extend to "officer"; any clergyman, schoolmaster, person duly licensed to practise as a medical man, vestry clerk, treasurer, collector, assistant overseer, governor, master or mistress of a workhouse, or any other person who shall be employed in any parish or union in carrying this Act or the laws for the relief of the poor into execution, and whether performing one or more of the above-mentioned functions; the word "overseer" shall be construed to mean and include "overseer"; overseers of the poor, churchwardens, so far as they are authorized or required by law to act in the management or relief of the poor or in the collection or distribution of the poor rate, assistant overseer, or any other subordinate officer, whether paid or unpaid, in any parish or union, who shall be employed therein in carrying this Act or the laws for the relief of the poor into execution; the word "owner" shall be construed to include any person for the "owner"; time being in the actual occupation of any property rateable to the relief of the poor and not let to him at rack rent, or any person receiving the rack rent of any such property either on his own account or as mortgagee or other incumbrancer in possession; and the words "rack rent" shall be construed to "rack rent"; mean any rent which shall not be less than two thirds of the full improved net annual value of any property; the word "parish" shall be construed to "parish"; include any parish, city, borough, town, township, liberty, precinct, vill, village, hamlet, tithing, chapelry, or any other place, or division or district of a place, maintaining its own poor, whether parochial or extra-parochial; the word "person" shall be construed to include any body politic, corporate, "person"; or collegiate, aggregate or sole, as well as any individual; the word "poor" "poor"; shall be construed to include any pauper or poor or indigent person applying for or receiving relief from the poor rate in England or Wales, or chargeable thereto; the words "poor law," or "laws for the relief of the poor," "poor law," "laws for the relief of the poor"; shall be construed to include every Act of Parliament for the time being in force for the relief or management of the poor, or relating to the execution of the same or the administration of such relief; the words "poor rate" shall be "poor rate";

"general  
quarter ses-  
sions";

"union";

22 Geo. 3. c. 88.

"united work-  
house";  
"vestry";

"workhouse."

Number and  
gender.

construed to include any rate, rate in aid, mulct, cess, assessment, collection, levy, ley, subscription, or contribution raised, assessed, imposed, levied, collected, or disbursed for the relief of the poor in any parish or union; that the words "general quarter sessions" shall extend to and be construed to include general or quarter sessions, or adjournment thereof, for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, cinque port, or town corporate, unless where otherwise provided by this Act; the word "union" shall be construed to include any number of parishes united for any purpose whatever under the provisions of this Act, or incorporated under the said Act made and passed in the twenty-second year of his late Majesty King George the Third, intituled "An Act for the better relief and employment of the poor," or incorporated for the relief or maintenance of the poor under any local Act; the words "united workhouse" shall be construed to mean and include any workhouse of a union; the word "vestry" shall be construed to mean any open, customary, or select vestry, or any meeting of inhabitants convened by any notice such as would have been required for the assembling of a meeting in vestry, at which meeting any business relating to the poor or the poor rate shall be transacted or taken into consideration, so far as such business is concerned; the word "workhouse" shall be construed to include any house in which the poor of any parish or union shall be lodged and maintained, or any house or building purchased, erected, hired, or used at the expence of the poor rate, by any parish, vestry, guardian, or overseer, for the reception, employment, classification, or relief of any poor person therein at the expence of such parish; and wherever in this Act, in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.

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## CHAPTER LXXVII.

AN ACT for repealing the Duties on Starch, Stone Bottles, Sweets or Made Wines, Mead or Metheglin, and on Scaleboard made from Wood.

[14th August 1834.]

\* \* \* \* \*

Duties and  
drawbacks on  
sweets, mead  
or metheglin,  
and scaleboard  
made from  
wood, repealed.

IX. AND be it further enacted, that from and after the tenth day of October one thousand eight hundred and thirty-four all the duties and drawbacks of excise on sweets or made wines, and on mead or metheglin, and on scaleboard made from wood, and all duties upon licences required to be taken out by any maker of sweets or made wines, metheglin or mead, or of scaleboard made from wood, and all drawbacks of excise on any of the said commodities, shall be repealed, cease, and determine, and be no longer paid or payable [Rep., Stat. Law Rev. Act, 1874.], . . . . .

Licences on ro-  
tailers of sweets,  
made wines,  
mead or methe-

X. PROVIDED always, that nothing herein contained shall extend or be deemed or construed to extend to repeal or affect any duty on licences to be taken out by retailers of sweets or made wines or mead or metheglin; but all

such licences shall continue to be taken out in the same manner as if this Act had not been passed.

XI. AND for declaring who shall be deemed a retailer of sweets after the said tenth day of October one thousand eight hundred and thirty-four, when the said duties on sweets are to cease and determine, be it further enacted, that every person who shall sell or send out any liquor made by infusion, fermentation, or otherwise, from fruit or sugar, or from fruit or sugar mixed with other materials, commonly called sweets or made wines, or any mead or metheglin, in any less quantity than in a whole cask containing fifteen gallons, shall be deemed and taken to be a retailer of sweets, and shall take out a licence accordingly.

\* \* \* \* \*

Persons selling sweets, made wines, mead or metheglin in any less quantity than 15 gallons to be deemed retailers of sweets.

## CHAPTER LXXVIII.

AN ACT for the Amendment of the Proceedings and Practice of the High Court of Chancery in Ireland. [14th August 1834.]

WHEREAS it is expedient that the laws relating to entering appearances and taking bills pro confesso in the High Court of Chancery in Ireland should be amended, and that the costs and expences of proceedings in the said court should be diminished, and that increased facilities should be afforded for the dispatch of business therein: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that where any defendant to any suit instituted in the said court shall be duly served in Ireland with process of subpoena to appear and answer in such suit, and shall refuse or neglect to appear thereto, an appearance shall and may, after the expiration of eight days, exclusive of Sundays and holidays, from the due service of such subpoena, be entered for such defendant, at the instance of the plaintiff, in such manner and form as the court, by any general order or orders to be made in pursuance of this Act, shall direct; and that thereupon such further proceedings may be had in the cause as if the defendant had actually appeared.

If a defendant, served with process to appear in Court of Chancery in Ireland, neglects to appear after eight days, an appearance may be entered, &c.

II. AND whereas it is expedient, for the further diminishing the expence of suits in the said court, that an alteration should be made in the practice of the said court by abolishing petitions as herein-after provided: Be it therefore enacted, that from and after the commencement of this Act the rule books of the said court shall be deemed open in the registrar's office of the said court upon all days of the year except Sundays and holidays; and accordingly that all side bar rules and rules of course shall be entered in the said rule books upon all days of the year, except Sundays and holidays, without petition, in like manner as the same are now respectively entered in the said books during the sittings of the court, or in such form and manner as the said court by any general order or orders to be made in pursuance of this Act shall direct.

Rule books of the court to be open upon all days except Sundays and holidays.

III. AND be it further enacted, that from and after the commencement of this Act the motion books of the said court shall be deemed open in the registrar's office of the said court during the sittings of the court, and accordingly that all orders to be made in open court in causes, including motions to vacate recognizances, or in causes and matters, shall henceforth during the

Motion books to be open during the sitting of the court; and orders may be made without

petition, except where expressly required.

sitting of the court be made and entered without petition, except in such cases as from their nature or by statutory enactments require a petition to be preferred, or unless the court shall, for special reason in any particular case, require a petition to be preferred.

Copies and form of decrees and orders of the court, &c.

IV. AND be it further enacted, that any person shall be at liberty to take an office copy of so much only of any decree, order, report, or exceptions as he may require; and that, unless the court shall otherwise specially direct, no recitals shall be introduced in any decree or order of the said court, but the pleadings, petition, notice, report, evidences, affidavits, exhibits, or other matters or documents on which such decrees or orders shall be founded shall merely be referred to; and it shall be lawful for the lord chancellor, if he shall think fit, with the advice and assistance of the master of the rolls, to make and issue such rules and regulations as to the form of such decrees and orders as he may deem necessary or proper for the proper drawing up of such decrees and orders and carrying into effect the provisions of this Act in regard thereto.

Sales or mortgages under decrees or orders of the court.

V. AND be it further enacted, that where any decree or order of the said court shall direct any sale, mortgage, or other dispositions of lands, or any other property whatsoever, to be had before any master or any other officer of the said court, it shall and may be lawful for such master or other officer of the said court to proceed and sell, and such master and other officer is hereby required to proceed and sell, in pursuance of such decree or order, the subject matter thereby directed to be sold, upon production of the attested copy of such decree or order signed by the register, and without in any way requiring an enrolment or exemplification of such decree or order to be produced to warrant the sale, mortgage, or other disposition by the decree or order directed.

Service of an attested copy of a decree to be sufficient to warrant attachment.

VI. AND be it further enacted, that in all cases the service of an attested copy of any decree or order of the said court shall be a sufficient service thereof to warrant an attachment and all subsequent proceedings for not complying with such decree or order; and that it shall and may be lawful for the court to proceed by attachment or otherwise as it shall deem proper, upon the service of such attested copy, without requiring an exemplification of such decree or order to be served as a warrant for any attachment or subsequent proceeding for not complying with such decree or order.

The court may appoint a receiver of estates of minors on petition without bill filed.

VII. AND be it further enacted, that the court may, on petition, appoint a receiver of the real and personal estate of a minor or minors without a bill being filed for that purpose; and that in all cases in which a receiver shall be appointed on petition, it shall and may be lawful for the court to make all such orders as may be necessary from time to time for the recovery of the rents or for the setting of the lands and premises over which such receiver shall be appointed, as fully and effectually as if such receiver had been appointed under a bill filed.

If any person neglects to execute any deed or transfer, &c., the court may order a master in ordinary to execute the same.

VIII. AND be it further enacted, that when any person who has been or shall be directed by any decree or order of the said court to execute any deed or other instrument, or make a surrender or transfer, or to levy a fine, or suffer a recovery, if it shall appear upon affidavit or affidavits to be made to the satisfaction of the court that such person refuses, declines, or neglects to execute same, it shall and may be lawful for the court, after the expiration of ten days from the service of the decree or order personally, and tender of

such deed or instrument for execution, to make an order, upon motion in open court, that one of the masters in ordinary of the said court shall execute such deed or other instrument, or make such surrender or transfer, or levy such fine, or suffer such recovery, in the name of such person, and do all acts necessary to give validity and operation to such fine and recovery, and to lead or declare the uses thereof; and the execution of the said deed or other instrument, or the surrender or transfer, made by the said master, and the fine or recovery levied or suffered by him, shall in all respects have the same force and validity as if the same had been made or executed, levied or suffered by the party himself.

IX. AND be it further enacted, that from and after the commencement of this Act it shall and may be lawful for the deputy keeper of the rolls for the time being, and also for the clerk of the inrolments for the time being, and the persons who shall hereafter be appointed from time to time to the said offices respectively, and they are hereby respectively fully authorized, empowered, and required, to administer the oaths, and take the affirmations and attestations of honour, which may be required by the practice of the said court, to all pleadings to be filed or lodged in the rolls office of the said court, and also to administer the proper and necessary oaths and affirmations to the returns of all commissions to take such pleadings, in like manner and to the like extent as the masters in ordinary of the said court, and the several clerks and examiners of the said masters, are now authorized to administer the same, any thing contained in an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act to amend an Act of the fourth year of his present Majesty's reign for the better administration of justice in the Court of Chancery in Ireland," to the contrary notwithstanding; and that the said masters in ordinary and their clerks or examiners shall no longer administer the said oaths or take the said affirmations or attestations of honour, without prejudice to their rights and jurisdictions to administer oaths and take affirmations and attestations of honour to all documents or proceedings not herein specified: Provided always, that the deputy keeper of the rolls, or clerk of the inrolments in the absence of the deputy keeper of the rolls, shall not be required, except under special order of the court, to go out of his office to administer the said oaths or take the said affirmations or attestations of honour pursuant to this Act; and provided also, that whenever either of the said officers shall be required by any order of the court to attend out of the said office for the purposes aforesaid, the charge for every such attendance of the deputy keeper of the rolls or clerk of the inrolments, as the case may be, together with the rate of his travelling expences, if any, shall be expressed in such order of the court; and that it shall and may be lawful for the said deputy keeper of the rolls or the clerk of the inrolments respectively to receive such sum for his attendance, and also such rate of travelling expences, as shall be expressed in such order of the court, and no other or greater sum.

\* \* \* \* \*

XI. AND be it further enacted, that all and every the stamp duties imposed and enacted by the Act made in the fourth year of the reign of his late Majesty King George the Fourth, intituled "An Act to grant additional stamp duties on certain proceedings in the Court of Chancery and in the equity

The deputy keeper of the rolls or clerk of inrolments may administer oaths and take affirmations in certain proceedings, in lieu of the masters in ordinary and their clerks.

6 Geo. 4, c. 30.

Deputy keeper of the rolls and clerk of the inrolments shall not be required to leave their office to administer oaths, &c. except under special order.

Charges for so doing.

Stamp duties imposed by 4 Geo. 4, c. 78, to continue to be collected.

" side of the Court of Exchequer in Ireland," and the schedule thereto annexed, shall continue and be collected and enforced as to the said documents and every of them, as fully and effectually as if the said last-mentioned Act were re-enacted and expressly applied to the said documents and each of them when transacted as part of the business of the deputy keeper of the rolls, or clerk of the inrolments, as the case may be.

Masters in ordinary may hear matters relating to the conduct of suits, and may direct the payment of costs.

XII. AND be it further enacted, that the said masters in ordinary of the said court shall have authority to hear and determine and make orders upon all such matters relating to the conduct of suits in their respective offices as the lord chancellor with the advice and assistance of the master of the rolls, by any general order or orders, shall direct; and that it shall and may be lawful for the said masters to order and direct that the costs of all or any of the parties upon any proceedings before them shall be costs in the cause or matter, or to be forthwith paid by and to such person or persons as they shall deem just, or to award such liquidated sum by way of costs to any of the parties as they shall think reasonable, and to be paid by such person or persons or out of such fund as they shall deem just; and the said master shall cause all such orders to be drawn up in a short form, and when signed shall cause the same to be entered in books to be kept for that purpose exclusively in their respective offices; and all such orders, if not reversed or varied, shall be as binding as an order of the court itself, and the costs awarded thereby shall be recovered in like manner as costs directed to be paid by the court itself.

Orders to be drawn up, signed, and entered.

General orders to be made by lord chancellor, &c.

XIII. AND be it further enacted, that . . . . . it shall and may be lawful for the lord chancellor, by and with the advice and assistance of the master of the rolls, to make and issue such general orders as he shall think fit for abolishing or altering any writ or writs of process, or any pleading or course of proceeding in suits now pending or hereafter to be commenced in the said court; and that it shall and may be lawful for the lord chancellor, with the advice and assistance of the master of the rolls, and he is hereby required, forthwith to make and issue such general orders as he shall think fit for carrying the provisions of this Act into execution; and also such other rules and orders, not being inconsistent with the enactments and provisions of this Act, as he, with the advice and assistance of the master of the rolls, shall think fit and proper for simplifying, establishing, and settling the course of practice of the said court and of its several offices.

General orders may be varied.

XIV. AND be it further enacted, that the lord chancellor, by and with the advice and assistance of the master of the rolls, shall be and he is hereby authorized and empowered, by any general order or orders to be made and issued by him from time to time, to annul, alter, or vary any general order or orders which may have been so as aforesaid made and issued, and to make any new general order or orders for the purposes herein-before mentioned, or any of them.

Hours of business in the several offices.

XV. AND be it further enacted, that the several offices of the said Court of Chancery shall be and continue open for the dispatch of business upon such days of the year and during such hours in the day, and that the officers and clerks belonging thereto respectively shall attend in such offices in the discharge of their several duties during such times and for such number of hours in each day, as the lord chancellor, with the advice and assistance

of the master of the rolls, shall by any general order or orders to be issued from time to time direct; and that the officers and clerks in the said respective offices shall give their personal attendance in their respective offices in the discharge of their official duties [during the times they shall so as aforesaid be directed to attend unless otherwise engaged in the business of their respective offices, or unless prevented by sickness or other unavoidable cause: Provided always, that where any office can be legally executed by deputy, nothing herein contained, or in any order to be made in pursuance thereof, shall be construed to compel the principal to attend in person.

XVI. AND be it further enacted, that each of the said masters in ordinary of the High Court of Chancery shall, within the first four days of Michaelmas term in each and every year, present or cause to be presented to the lord chancellor a report in writing, under the hand of such master, stating the days on which he shall have attended at his office for and during twelve months preceding such return, in the performance of his duty, specifying the number of hours occupied in each of such day's attendance as aforesaid; and further, that each such master shall annex to such his report a list or schedule, to be signed by him in like manner, of the several causes, petitions, or matters of every description then pending in his office, showing the then state and stage of the same respectively, designating each cause, petition, or matter by the name or names of the party or parties thereto, or some of them, with the name or names of each solicitor engaged therein, and also the state of the account of each receiver, committee of a lunatic, or guardian of an infant, whose accounts are passed in his office, and the balance (if any) remaining in the hands of such receivers, committees, and guardians respectively; and thereupon it shall be lawful for the said lord chancellor to make and issue such order for filing or depositing and otherwise giving publicity and access to such list or schedule as he in his discretion shall think fit.

Masters in ordinary to report certain particulars annually to the lord chancellor.

XVII. AND be it further enacted, that no person shall be compelled or required to take or pay for any copy of any paper or document being in any office of the said court; and that every person shall be at liberty to take out and pay for only so much or such part of any paper or document being in any office of the said court as such person may require, without being in any case compelled to take out or pay for the entire of the paper or document being in the office.

Persons not compelled to take copies, or the entire copy of any document.

XVIII. AND be it further enacted, that the powers and authorities given by this Act to the lord high chancellor of Ireland shall and may be exercised in like manner and are hereby given to the lord keeper or lords commissioners for the custody of the great seal of Ireland respectively for the time being.

Powers given to the lord chancellor may be exercised by the lord keeper, &c.

XXXVI. AND be it further enacted, that no person who after the passing of this Act shall be appointed to any office or employment in or belonging to the said court shall be deemed entitled to prefer any claims for or to obtain any compensation in respect of any alteration of any kind whatsoever which shall be made by lawful authority in the constitution, process, practice, pleadings, or other proceedings, or in the constitution, duties, or emoluments, of any of the offices or employments in the said court.

Officers hereafter appointed in Court of Chancery not to be entitled to compensation for alteration in the court or its offices.



## CHAPTER LXXXI.

AN ACT to amend an Act of the Third Year of King George the Fourth, for regulating Turnpike Roads in England, so far as the same relates to the Weights to be carried upon Waggons with Springs. [15th August 1834.]

3 Geo. 4. c. 126.  
s. 12.

sect. 13.

Section 13 of  
recited Act not  
to extend to  
waggons, wains,  
&c. having fel-  
lies of wheels of  
not less than  
4½ inches in  
breadth.

**W**HEREAS by an Act passed in the third year of the reign of King George the Fourth, intituled "An Act to amend the general laws now in being" for regulating turnpike roads in that part of Great Britain called England," it is amongst other things enacted, that for regulating the weights to be allowed to waggons, wains, carts, and other carriages, the weights therein particularly specified and regulated according to the width and number of the wheels of such carriages shall be allowed to every waggon, wain, cart, or other such carriage; and it is also by the said Act enacted, that to every caravan or other four-wheeled carriage used for the conveyance of goods, and built and constructed with springs, shall be allowed the weights following; (that is to say,) for every such carriage three tons and fifteen hundred weight in winter, and four tons five hundred weight in summer: And whereas doubts have arisen whether the said last-recited provision extends to waggons, wains, and other such wheeled carriages when built and constructed with springs, although such waggons, wains, and other four-wheeled carriages, if not on springs, would be comprehended within the said first-recited provision: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said last-recited provision shall not be deemed or construed to extend to waggons, wains, or other four-wheeled carriages having the fellies of the wheels thereof of the breadth of not less than four inches and a half at the bottom or soles thereof, notwithstanding the same may be built and constructed with springs; any thing in the said recited Act or any other Act to the contrary notwithstanding.

## CHAPTER LXXXII.

AN ACT to amend and extend an Act of the Second Year of His present Majesty, to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in England and Ireland. [15th August 1834.]

2 & 3 Will. 4.  
c. 33.

Provisions of  
recited Act re-  
lating to suits  
concerning  
lands extended  
to suits con-

**W**HEREAS by an Act passed in the second year of the reign of his present Majesty, intituled "An Act to effectuate the service of process issuing" from the courts of Chancery and Exchequer in England and Ireland respectively," certain provisions have been made for rendering more effectual the process of the said courts respectively in the cases therein mentioned: And whereas it is expedient to amend and extend the said Act in the manner herein-after provided: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all the provisions contained in the said Act relating to suits instituted in the said courts respectively concerning lands, tenements, or hereditaments situate in England or Wales or in Ireland respectively, shall be extended and applied to all suits instituted in the said

courts respectively concerning any charge, lien, judgment, or incumbrance thereon, or concerning any money vested in any government or other public stock, or public shares in public companies or concerns, or concerning the dividends or produce thereof; and the provisions in the said Act authorizing the said courts respectively to direct that the service in any part of the United Kingdom of Great Britain or Ireland, or the Isle of Man, respectively, of any subpoena or subpoenas, letter missive or letters missive, and of all subsequent process to be had thereon, upon any defendant or defendants in such suit, then residing in such parts of the United Kingdom or the Isle of Man in which he, she, or they should be so served, should be deemed good service of or be made upon such defendant or defendants, upon such terms, and in such manner, and at such time as to such courts respectively should seem reasonable, and that thereupon it should and might be lawful for such courts respectively to proceed upon such service as fully and effectually as if the same had been duly made within the jurisdictions of such courts respectively, shall be and they are hereby extended to any defendant or defendants in any such suit or suits as herein-before mentioned, who shall appear by affidavit to be resident in any place, specifying the same, out of the United Kingdom of Great Britain and Ireland; and that it shall and may be lawful for the said courts respectively, on motion in open court of any of the complainants in any such suit, founded upon an affidavit or affidavits, and such other documents as may be applicable for the purpose of ascertaining the residence of the party, and the particulars material to identify such party and his residence, and also specifying the means whereby such service may be authenticated, and especially whether there are any British officers, civil or military, appointed by or serving under his Majesty residing at or near such place, to order that service of a subpoena to appear and answer upon the party in the manner thereby directed, or, in case where the said courts respectively shall deem fit, upon the receiver, steward, or other person receiving or remitting the rents of the lands or premises, if any, in the suit mentioned, returnable at such time as the said courts respectively shall direct, shall be deemed good service of such party, and afterwards, upon an affidavit of such service had, to order an appearance to be entered for such party in such manner and at such time as the said courts respectively shall direct, and that thereupon it shall and may be lawful for such courts respectively to proceed upon such service so made as aforesaid as fully and effectually as if the same had been duly made within the jurisdictions of such courts respectively.

cerning charges  
or liens on lands  
or concern-  
ing money in  
government  
stocks, &c.

Service may be  
directed upon  
defendants out  
of the United  
Kingdom or  
upon receiver,  
&c. of rents of  
lands, &c.

II. AND be it further enacted, that where it shall appear upon affidavit, to be made to the satisfaction of the said courts respectively, that any defendant in any such suit as herein-before mentioned cannot by reasonable diligence be personally served with the subpoena to appear and answer, or that upon inquiry at his usual place of abode he could not be found so as to be served with such process, and that there is just ground for believing that such defendant secretes or withdraws himself so as to avoid being served with the process of such court, then and in all such cases it shall and may be lawful for the court to order that the service of the subpoena to appear and answer shall be substituted in such manner as the court shall think reasonable and direct by such order.

Substituted ser-  
vice where de-  
fendants cannot  
be found.

## CHAPTER LXXXV.

AN ACT to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in England.

[15th August 1834.]

**W**HEREAS much evil has arisen from the management and conduct of houses in which beer and cider is sold by retail under the provisions of an Act passed in the first year of the reign of his present Majesty, intituled "An Act to permit the general sale of beer and cider by retail in England," and it is expedient to amend the provisions of the said Act in certain particulars: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act it shall be lawful for the commissioners of excise, or other persons duly authorized, to grant licences for the sale of beer, ale, porter, cider, or perry, under the provisions of the said recited Act, to any person applying for the same; but that such licence shall not authorize the person obtaining it to sell beer or cider to be drunk or consumed in the house or on the premises specified in the same licence, unless the same be granted upon the certificate herein-after required.

Recital of  
11 Geo. 4. &  
1 Will. 4. c. 64.

Licences to be granted by commissioners of excise for sale of beer under recited Act, but not to authorize consumption thereof on the premises unless granted upon certificate.

Every person applying for a licence to sell beer to be drunk on the premises shall deposit with the commissioners of excise a certificate of good character, signed by six rated inhabitants of the parish, &c., and certified by one of the overseers.

If there are not ten inhabitants in the place rated to the required amount, the certificate of the majority of them shall suffice.

II. AND be it further enacted, that every person applying for a licence to sell beer or cider by retail, intending the same to be drunk in the house or on the premises, shall, in addition to the application setting forth the particulars required by the said recited Act, annually produce to and deposit with the commissioners of excise, collector, supervisor, or other person authorized to grant such licence within the parish, township, or place in which the person so applying intends to sell beer or cider by retail, a certificate signed by six persons residing in and being and describing themselves to be inhabitants of such parish, township, or place, and respectively rated therein to the poor at not less than six pounds, none of whom shall be maltsters, common brewers, or persons licensed to sell spirituous liquors or beer or cider by retail, nor owners or proprietors of any house or houses licensed to sell such liquors or beer or cider by retail, stating that the person applying for the licence is of good character; and that at the foot of such certificate one of the overseers of the parish, township, or place shall certify (if the fact be so) that such six persons are inhabitants respectively rated as aforesaid; and such certificate and licence shall respectively be in the forms of the schedule annexed to this Act: Provided always, that in any parish, township, or district maintaining its own poor in which there are not ten inhabitants rated to the relief of the poor to the amount of six pounds each, or not occupying houses respectively rated to the poor at six pounds each, (not being maltsters, common brewers, or persons licensed to sell spirituous liquors or beer or cider by retail,) the certificate of the majority of such inhabitants of such parish, township, or district maintaining its own poor as are rated to the amount of six pounds each shall be deemed to be a sufficient certificate for the purposes of this Act. [Rep., 32 & '83 Vict. c. 27. s. 21.]

\* \* \* \* \*

To what licensed persons provisions for billeting soldiers under Mutiny Acts shall extend.

V. AND be it further enacted, that the provisions in respect of billeting soldiers in victualling houses, contained in any Act of Parliament for punishing mutiny and desertion and for the better payment of the army and their quarters, shall extend only to such persons licensed under this and the said recited Act as shall be licensed to sell beer or cider to be drunk and consumed in the house or on the premises, and shall not extend or be deemed or construed to extend to such persons as shall be licensed to sell beer or cider

not to be consumed on the premises; anything in the said recited Act or this Act to the contrary notwithstanding.

\* \* \* \* \*

[XI.] AND be it enacted, that all the powers, regulations, proceedings, forms, penalties, forfeitures, and provisions contained in the said recited Act, with reference to persons licensed under the said Act, and to the offences committed by such persons against the said Act, or against the tenor of any licence granted under the said Act, . . . . . and to persons doing the things thereby prohibited without the licence required by the said Act, shall (except where they are altered by this Act or are repugnant thereto) be deemed and taken to be applicable to all persons licensed under this Act, and to all offences committed by such persons of the same description as the offences mentioned in the said Act, . . . . . and to all persons doing, without the licence required by this Act, things of the same description as the things prohibited, without the licence required by the said Act, as fully and effectually as if all the said powers, regulations, proceedings, forms, penalties, forfeitures, and provisions had been repeated and re-enacted in this Act, with reference to persons licensed under this Act, . . . . . and to persons acting without the licence required by this Act; and also that all the powers, regulations, and provisions in the said Act contained authorizing any party convicted to appeal to the general session or quarter sessions of the peace against any conviction under the said Act, shall also extend and apply to any convictions under this Act.

The powers, provisions, and penalties of 11 Geo. 4. & 1 Will. 4. c. 64. to apply to persons licensed under this Act, and to their sureties, &c.

XII. AND be it enacted, that all the provisions of the said recited Act shall be deemed and taken to be in full force, save and except where the same are altered by this Act; and that so much of the said Act as relates to the interpretation of certain words therein mentioned shall be applied to the interpretation of the same words where used in this Act.

Recited Act to continue in force, except as hereby altered.

XIII. AND be it further enacted, that from and after the passing of this Act the duties payable on excise licences for the selling of beer by retail under the provisions of the said recited Act shall cease and determine; and that in lieu of such duties there shall be levied, collected, and paid upon the licences hereby authorized to be granted the duties following; (that is to say,)

Duties on licences for retail of beer under recited Act repealed, and new duties granted in lieu thereof.

For and upon every licence to be taken out by any person for the selling by retail of beer not to be drank or consumed in or upon the house or premises where sold, the annual sum of one pound one shilling:

For and upon every licence to be taken out by any person for the selling by retail of beer to be drank or consumed in or upon the house or premises where sold, the annual sum of three pounds three shillings.

XIV. AND be it further enacted, that the said last-mentioned duties shall be under the management of the commissioners of excise, and shall be raised, levied, collected, and recovered, and accounted for and paid, in the same manner, and by the same means, and under the same regulations and provisions, pains, penalties, and forfeitures, as are prescribed in the said recited Act with respect to the duties hereby repealed; all which said regulations

Such duties to be under the management of commissioners of excise, and to be recovered and accounted for under the provisions of recited Act.

[\* So much of section 11 as incorporates or applies any repealed enactment, rep., 35 & 36 Vict. c. 94. s. 75.]

and provisions, pains, penalties, and forfeitures, shall apply to the duties hereby imposed, and shall be enforced in respect of the same as fully and effectually as if repeated and re-enacted in this Act.

This Act not to affect duty on licences to retail cider and perry; but such licences to state whether granted for sale for consumption on the premises or not.

Licences under this and recited Act not to authorize persons to hold licences for sale of wine, &c.

Penalty on persons licensed under this and recited Act permitting wine or spirits to be consumed on their premises.

Penalty on unlicensed persons selling beer and cider by retail to be drank off the premises, 10*l.*; to be drank on the premises, 20*l.*

Retailing of beer, cider, or perry defined.

XV. PROVIDED always, and be it further enacted, that nothing herein contained shall affect, or be deemed or construed to affect, the amount of duty payable according to the provisions of the said recited Act on licences to retail cider and perry; but in every such licence shall be specified whether the same is granted for the sale of cider and perry by retail to be drank or consumed not in or upon the house or premises where sold, or for the retail of cider and perry to be drank and consumed in or upon the house and premises where sold.

XVI. AND be it further enacted, that no licence to be granted under the said recited Act and this Act for the sale of beer or cider shall authorize any person to take out or hold any licence for the sale of wine, spirits, or sweets or made wines, or mead or metheglin; and if any person licensed under the said recited Act and this Act to sell beer or cider shall permit or suffer any wine or spirits, sweets or made wines, mead or metheglin, to be brought into his house or premises to be drunk or consumed there, or shall suffer any wine, spirits, sweets, mead, or metheglin, to be drunk or consumed in his house or premises by any person whomsoever, such person shall, over and above any excise penalty or penalties to which he may be subject, forfeit twenty pounds, to be recovered, levied, mitigated, and applied in the same manner as other penalties (not being excise penalties) are by this Act to be recovered, levied, mitigated, and applied.

XVII. AND be it further enacted, that every person not being duly licensed to sell beer, cider, and perry as the keeper of a common inn, alehouse, or victualling house, who shall sell any beer or cider or perry by retail, not to be drank or consumed in or upon the house or premises where sold, without having an excise retail licence in force authorizing him so to do, shall forfeit ten pounds; and every person not being duly licensed to sell beer, cider, and perry as the keeper of a common inn, alehouse, or victualling house, who shall sell any beer, cider, or perry by retail to be drank or consumed in or upon the house or premises where sold, without having an excise retail licence in force authorizing him so to do, whether such person shall or shall not be licensed to sell beer to be drank or consumed off the premises where sold, shall forfeit twenty pounds; which said penalties shall be sued for and recovered, mitigated, and applied by the same means and under the same provisions as any other penalty may be sued for and recovered, mitigated and applied, under any law or law of excise.

\* \* \* \* \*

XIX. AND whereas doubts are entertained as to what is a selling of beer or cider or perry by retail: Be it therefore enacted, that every sale of any beer, or of any cider or perry, in any less quantity than four gallons and a half, shall be deemed and taken to be a selling by retail.

XX. AND whereas doubts have been entertained whether persons licensed to sell beer or cider under the said Act of the first year of his Majesty's reign, who shall sell spirits or wine, or sweets or made wines, or mead or metheglin,

without being licensed so to do, are liable to the penalties imposed by the laws of excise for selling spirits or wine, or sweets or made wines, or mead or metheglin, without licence: Be it therefore declared and enacted, that all persons licensed under the said recited Act and this Act, selling wine or spirits, or any sweets or made wines, or mead or metheglin, shall be liable to and shall incur all the penalties imposed by the laws of excise for selling spirits or wine, sweets or made wines, mead or metheglin, without licence.

Persons licensed to sell beer or cider under this and recited Act liable to penalties for selling spirits or wine without licence.

## CHAPTER XCII.

AN ACT for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, in Ireland. [15th August 1834.]

**B**E it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in the construction of this Act the word "lands" shall extend to advowsons, rectories, messuages, lands, tenements, tithes, rents, and hereditaments of any tenure, and whether corporeal or incorporeal, and any undivided share thereof; and the word "estate" shall extend to an estate in equity as well as at law, and shall also extend to any interest, charge, right, title, lien, or incumbrance in, upon, to, or affecting lands, either at law or in equity, whether present or vested, or future or contingent, and shall also extend to any interest, charge, lien, or incumbrance in, upon, or affecting money subject to be invested in the purchase of lands; and the expression "base fee" shall mean exclusively that estate in fee simple into which an estate tail is converted where the issue in tail are barred, but persons claiming estates by way of remainder or otherwise are not barred; and the expression "estate tail," in addition to its usual meaning, shall mean a base fee into which an estate tail shall have been converted; and the expression "actual tenant in tail" shall mean exclusively the tenant of an estate tail which shall not have been barred, and such tenant shall be deemed an actual tenant in tail, although the estate tail may have been divested or turned to a right; and the expression "tenant in tail" shall mean, not only an actual tenant in tail, but also a person who, where an estate tail shall have been barred and converted into a base fee, would have been tenant of such estate tail if the same had not been barred; and the expression "tenant in tail entitled to a base fee" shall mean a person entitled to a base fee, or to the ultimate beneficial interest in a base fee, and who if the base fee had not been created would have been actual tenant in tail; and the expression "money subject to be invested in the purchase of lands" shall include money whether raised or to be raised, and whether the amount thereof be or be not ascertained, and shall extend to stocks and funds, and real and other securities, the produce of which is directed to be invested in the purchase of lands, and the lands to be purchased with such money or produce shall extend to lands of any tenure in England or elsewhere out of Ireland, where such lands or any of them are within the scope or meaning of the trust or power directing or authorizing the purchase; and the word "person" shall extend to a body politic, corporate, or collegiate, as well as an individual; and

Meaning of certain words and expressions:

"Lands."

"Estate."

"Base fee."

"Estate tail."

"Actual tenant in tail."

"Tenant in tail."

"Tenant in tail entitled to a base fee."

"Money subject to be invested in the purchase of lands."

"Person."

Number and  
gender.

Settlement.

No fine or re-  
covery to be  
levied or suf-  
fered in Ireland  
after the 31st of  
October 1834.

Persons, after  
31st October  
1834, liable  
under cove-  
nants to levy  
fines or suffer  
recoveries shall  
effect the pur-  
poses intended  
by means of  
this Act ; but if  
the purpose of  
a fine or reco-  
very cannot be  
so effected, the  
persons liable  
to levy fines or  
suffer reco-  
veries shall  
execute a deed,  
which shall  
have the same  
operation as the  
fine or recovery.

every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing ; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things ; and every word importing the masculine gender only shall extend and be applied to a female as well as a male ; and every assurance, already made or hereafter to be made, whether by deed, will, private Act of Parliament, or otherwise, by which lands are or shall be entailed or agreed or directed to be entailed, shall be deemed a settlement ; and every appointment made in exercise of any power contained in any settlement, or of any other power arising out of the power contained in any settlement, shall be considered as part of such settlement, and the estate created by such appointment shall be considered as having been created by such settlement ; and where any such settlement is or shall be made by will, the time of the death of the testator shall be considered the time when such settlement was made : Provided always, that these words and expressions occurring in this clause to which more than one meaning is to be attached shall not have the different meanings given to them by this clause in those cases in which there is anything in the subject or context repugnant to such construction.

II. AND be it further enacted, that after the thirty-first day of October one thousand eight hundred and thirty-four no fine shall be levied or common recovery suffered of lands of any tenure in Ireland, except where parties intending to levy a fine or suffer a common recovery shall before the thirty-first day of October one thousand eight hundred and thirty-four have sued out a writ of dedimus or any other writ in the regular proceedings of such fine or recovery ; and any fine or common recovery which shall be levied or suffered contrary to this provision shall be absolutely void.

III. AND be it further enacted, that in case any person shall, after the thirty-first day of October one thousand eight hundred and thirty-four, be liable to levy a fine or suffer a common recovery of lands of any tenure in Ireland, or to procure some other person to levy a fine or suffer a common recovery of lands of any tenure, under a covenant or agreement already entered into or hereafter to be entered into before the first day of November one thousand eight hundred and thirty-four, then and in such case, if all the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, the person liable to levy such fine or suffer such recovery, or to procure some other person to levy such fine or suffer such recovery, shall after the thirty-first day of October one thousand eight hundred and thirty-four be subject and liable under such covenant or agreement to make or to procure to be made such a disposition under this Act as will effect all the purposes intended to be effected by such fine or recovery ; but if some only of the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, then the person so liable to levy such fine or suffer such recovery, or to procure some other person to levy such fine or suffer such recovery as aforesaid, shall after the thirty-first day of October one thousand eight hundred and thirty-four be subject and liable under such covenant or agreement to make or procure to be made such a disposition under this Act as will effect such of the purposes intended to be effected by such fine or recovery as can be effected by a dispo-

sition under this Act; and in those cases where the purposes intended to be effected by such fine or recovery, or any of them, cannot be effected by any disposition under this Act, then the person so liable to levy such fine or suffer such recovery, or to procure some other person to levy such fine or suffer such recovery as aforesaid, shall after the thirty-first day of October one thousand eight hundred and thirty-four be liable under such covenant or agreement to execute or to procure to be executed some deed whereby the person intended to levy such fine or suffer such recovery shall declare his desire that such deed shall have the same operation and effect as such fine or recovery would have had if the same had been actually levied or suffered; and the deed by which such declaration shall be made shall, if none of the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, have the same operation and effect in every respect as such fine or recovery would have had if the same had been actually levied or suffered; but if some only of the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, then the deed by which such declaration shall be made shall, so far as the purposes intended to be effected by such fine or recovery cannot be effected by a disposition under this Act, have the same operation and effect in every respect as such fine or recovery would have had if the same had been actually levied or suffered.

IV. AND be it further enacted, that if it shall be apparent, from the deed declaring the uses of any fine already levied or hereafter to be levied, that there is in the indentures, record, or any of the proceedings of such fine any error in the name of the conusor or conusee of such fine, or any misdescription or omission of lands intended to have been passed by such fine, then and in every such case the fine, without any amendment of the indentures, record, or proceedings in which such error, misdescription, or omission shall have occurred, shall be as good and valid as the same would have been, and shall be held to have passed all the lands intended to have been passed thereby, in the same manner as it would have done if there had been no such error, misdescription, or omission.

Fines made valid without amendment in certain cases.

V. AND be it further enacted, that if it shall be apparent, from the deed making the tenant to the writ of entry or other writ for suffering a common recovery already suffered or hereafter to be suffered, that there is in the exemplification, record, or any of the proceedings of such recovery any error in the name of the tenant, demandant, or vouchee in such recovery, or any misdescription or omission of lands intended to have been passed by such recovery, then and in every such case the recovery, without any amendment of the exemplification, record, or proceedings in which such error, misdescription, or omission shall have occurred, shall be as good and valid as the same would have been, and shall be held to have passed all the lands intended to have been passed thereby, in the same manner as it would have done if there had been no such error, misdescription, or omission.

Recoveries made valid without amendment in certain cases.

VI. PROVIDED always, and be it further enacted, that nothing in this Act contained shall lessen or take away the jurisdiction of any court to amend any fine or common recovery, or any proceeding therein, in cases not provided for by this Act.

Saving jurisdiction to amend in cases not provided for.



Recoveries made valid in certain cases where bargain and sale is not duly inrolled.

VII. AND be it further enacted, that no common recovery, already suffered or hereafter to be suffered, shall be invalid in consequence of the neglect to inrol in due time a bargain and sale purporting to make the tenant to the writ of entry or other writ for suffering such recovery, provided such recovery would have been valid if the bargain and sale purporting to make the tenant to the writ had been duly inrolled.

Recoveries invalid in consequence of there not being proper tenants to the writs of entry made valid in certain cases.

VIII. AND be it further enacted, that no common recovery already suffered or hereafter to be suffered shall be invalid in consequence of any person in whom an estate at law was outstanding having omitted to make the tenant to the writ of entry or other writ for suffering such recovery, provided the person who was the owner of or had power to dispose of an estate in possession, not being less than an estate for a life or lives in the whole of the rents and profits of the lands in which such estate at law was outstanding, or the ultimate surplus of such rents and profits after payment of any charges thereout, and whether any surplus after payment of such charges shall actually remain or not, shall, within the time limited for making the tenant to the writ for suffering such recovery, have conveyed or disposed of such estate in possession to the tenant to such writ; and an estate shall be deemed to be an estate in possession, notwithstanding there shall be subsisting prior thereto any lease for lives or years, absolute or determinable, upon which a rent is reserved, or any term of years upon which no rent is reserved.

Certain cases in which fines and recoveries shall not be made valid by this Act.

IX. PROVIDED always, and be it further enacted, that where any fine or common recovery shall before the passing of this Act have been wholly reversed, such fine or recovery shall not be rendered valid by this Act; and where any fine or common recovery shall before the passing of this Act have been reversed as to some only of the parties thereto, or as to some only of the lands therein comprised, such fine or recovery shall not be rendered valid by this Act so far as the same shall have been reversed; and where any person who would have been barred by any fine or common recovery, if valid, shall before the passing of this Act have had any dealings with the lands comprised in such fine or recovery on the faith of the same being invalid, such fine or recovery shall not be rendered valid by this Act; and this Act shall not render valid any fine or common recovery as to lands of which any person shall at the time of the passing of this Act be in possession in respect of any estate which the fine or common recovery if valid would have barred, nor any fine or common recovery which before the passing of this Act any court of competent jurisdiction shall have refused to amend; nor shall this Act prejudice or affect any proceedings at law or in equity pending at the time of the passing of this Act, in which the validity of such fine or recovery shall be in question between the party claiming under such fine or recovery and the party claiming adversely thereto; and such fine or recovery, if the result of such proceedings shall be to invalidate the same, shall not be rendered valid by this Act; and if such proceedings shall abate or become defective in consequence of the death of the party claiming under or adversely to such fine or recovery, any person who but for this Act would have a right of action or suit by reason of the invalidity of such fine or recovery shall retain such right, so that he commence proceedings within six calendar months after the death of such party.

X. AND be it further enacted, that after the thirty-first day of October one thousand eight hundred and thirty-four the records of all fines and common recoveries levied and suffered in his Majesty's Court of Common Pleas in Dublin, and all the proceedings thereof, shall be deposited in such places and kept by such persons as the said Court of Common Pleas shall from time to time order or direct; and in the meantime the said records and proceedings shall remain in the same place where they are now deposited, and be kept by the person who would have continued entitled to the custody thereof if this Act had not been passed; and while the said records and proceedings shall be kept by such person, searches may be made, and extracts and copies obtained, as heretofore, and on paying the accustomed fees; and when any of the records and proceedings shall by the order of the said court be kept by any other person, then, so far as relates to the records and proceedings in the custody of such other person, searches may be made, and extracts or copies obtained, at such times and on paying such fees as shall from time to time be ordered by the said court; and the extracts or copies so obtained shall be as available in evidence as they would have been if obtained from the person whose duty it would have been to have made and delivered out the same if this Act had not been passed.

Regulations as to the records of fines and recoveries in the courts of Common Pleas in Dublin after 31st October, 1834.

XI. AND be it further enacted, that all warranties of lands which after the thirty-first day of October one thousand eight hundred and thirty-four shall be made or entered into by any tenant in tail thereof shall be absolutely void against the issue in tail, and all persons whose estates are to take effect after the determination or in defeasance of the estate tail.

Estates tail, and estates expectant thereon, no longer barable by warranty.

XII. AND be it further enacted, that after the thirty-first day of October one thousand eight hundred and thirty-four every actual tenant in tail, whether in possession, remainder, contingency, or otherwise, shall have full power to dispose of, for an estate in fee simple absolute, or for any less estate, the lands entailed, as against all persons claiming the lands entailed by force of any estate tail which shall be vested in or might be claimed by, or which but for some previous Act would have been vested in or might have been claimed by, the person making the disposition, at the time of his making the same, and also as against all persons whose estates are to take effect after the determination or in defeasance of any such estate tail, including the King's most excellent Majesty, his heirs and successors, as regards the title to his Majesty to any reversion or remainder created or reserved by any settlement or will, and which reversion or remainder shall have come or shall hereafter come to the crown in consequence of the attainder of any person to whom the forfeited reversion or remainder was previously to such forfeiture limited by any settlement or will, but not in any other case, or where the title to the crown shall have accrued by any other means; saving always the rights of all persons in respect of estates prior to the estate tail in respect of which such disposition shall be made, and the rights of all other persons, except those against whom such disposition is by this Act authorized to be made.

Power of actual tenant in tail, after 31st October 1834, to dispose of entailed lands in fee simple, or for a less estate, saving the rights of certain persons.

XIII. PROVIDED always, and be it further enacted, that where, under any settlement made before the passing of this Act, any woman shall be tenant in tail of lands within the provisions of an Act passed in the tenth year of the reign of his Majesty King Charles the First, intituled "An Act for the extension of the Statute of Fines," the power of disposition herein-before con-

Power of disposition not to be exercised by women tenants in tail ex provisione viri under Irish

Act 10 Cha. 1.  
sess. 2. c. 8.  
except with  
assent.

Repeal of Irish  
Act 10 Cha. 1.  
sess. 2. c. 8.,  
except as to  
lands in settle-  
ments before  
this Act.

Proviso as to  
certain tenants  
in tail.

Power, after the  
31st of October  
1834, to enlarge  
base fees; sav-  
ing the rights  
of certain per-  
sons.

Issue inherita-  
ble not to bar  
expectancies.

Extent of the  
estate created  
by a tenant in  
tail by way of  
mortgage, or  
for any other  
limited purpose.

tained as to such lands shall not be exercised by her, except with such assent as, if this Act had not been passed, would under the provisions of the said Act of King Charles the First have rendered valid a fine or common recovery levied or suffered by her of such lands.

XIV. PROVIDED always, and be it further enacted, that, except as to lands comprised in any settlement made before the passing of this Act, the said Act of the tenth year of the reign of his Majesty King Charles the First shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

XV. PROVIDED always, and be it further enacted, that the power of disposition herein-before contained shall not extend to tenants in tail after possibility of issue extinct.

XVI. AND be it further enacted, that after the thirty-first day of October one thousand eight hundred and thirty-four, in every case in which an estate tail in any lands shall have been barred and converted into a base fee, either before or on or after that day, the person who if such estate tail had not been barred would have been actual tenant in tail of the same lands shall have full power to dispose of such lands as against all persons whose estates are to take effect after the determination or in defeasance of the base fee into which the estate tail shall have been converted, so as to enlarge the base fee into a fee simple absolute, including the King's most excellent Majesty, his heirs and successors, as regards the title to his Majesty to any reversion or remainder created or reserved by any settlement or will, and which reversion or remainder shall have come or shall hereafter come to the crown in consequence of the attainder of any person to whom the forfeited reversion or remainder was previously to such forfeiture limited by any settlement or will, but not in any other case, or where the title to the crown shall have accrued by any other means; saving always the rights of all persons in respect of estates prior to the estate tail which shall have been converted into a base fee, and the rights of all other persons, except those against whom such disposition is by this Act authorized to be made: Provided always, that nothing in this Act contained shall authorize any tenant in tail or other person to defeat or bar any estate or interest which may at the time of passing this Act have been granted to any person or persons by his Majesty, or any of his predecessors, in any reversion or remainder which may have come to the crown by attainder or otherwise.

XVII. PROVIDED always, and be it further enacted, that nothing in this Act contained shall enable any person to dispose of any lands entailed in respect of any expectant interest or possibility which he may have as issue inheritable to any estate tail therein.

XVIII. PROVIDED always, and be it further enacted, that if a tenant in tail of lands shall make a disposition of the same under this Act by way of mortgage, or for any other limited purpose, then and in such case such disposition shall, to the extent of the estate thereby created, be an absolute bar in equity as well as at law to all persons as against whom such disposition is by this Act authorized to be made, notwithstanding any intention to the contrary may be expressed or implied in the deed by which the disposition may be effected: Provided always, that if the estate created by such disposition shall be only an estate pour autre vie, or for years absolute or determinable, or if, by a disposition under this Act by a tenant in tail of lands, an interest, charge, lien, or incumbrance shall be created, without a term of years absolute or

determinable, or any greater estate, for securing or raising the same, then such disposition shall in equity be a bar only so far as may be necessary to give full effect to the mortgage, or to such other limited purpose, or to such interest, lien, charge, or incumbrance, notwithstanding any intention to the contrary may be expressed or implied in the deed by which the disposition may be effected.

XIX. AND be it further enacted, that if at the time when there shall be a tenant in tail of lands under a settlement there shall be subsisting in the same lands or any of them under the same settlement any estate for years determinable on the dropping of a life or lives, or any greater estate (not being an estate for years), prior to the estate tail, then the person who shall be the owner of the prior estate, or the first of such prior estates if more than one, then subsisting under the same settlement, or who would have been so if no absolute disposition thereof had been made, (the first of such prior estates, if more than one, being for all the purposes of this Act deemed the prior estate,) shall be the protector of the settlement so far as regards the lands in which such prior estate shall be subsisting, and shall for all the purposes of this Act be deemed the owner of such prior estate, although the same may have been charged or incumbered, either by the owner thereof or by the settlor, or otherwise howsoever, and although the whole of the rents and profits be exhausted or required for the payment of the charges and incumbrances on such prior estate, and although such prior estate may have been absolutely disposed of by the owner thereof or by or in consequence of the bankruptcy or insolvency of such owner or by any other act or default of such owner; and that an estate by the curtesy, in respect of the estate tail, or of any prior estate created by the same settlement, shall be deemed a prior estate under the same settlement within the meaning of this clause; and that an estate by way of resulting use or trust to or for the settlor shall be deemed an estate under the same settlement within the meaning of this clause.

The owner of the first existing estate under a settlement, prior to an estate tail under the same settlement, to be the protector of the settlement.

XX. PROVIDED always, and be it further enacted, that where two or more persons shall be owners, under a settlement within the meaning of this Act, of a prior estate, the sole owner of which estate, if there had been only one, would in respect thereof have been the protector of such settlement, each of such persons, in respect of such undivided share as he could dispose of, shall for all the purposes of this Act be deemed the owner of a prior estate, and shall, in exclusion of the other or others of them, be the sole protector of such settlement to the extent of such undivided share.

Each of two or more owners of a prior estate to be the sole protector as to his share.

XXI. PROVIDED always, and be it further enacted, that where a married woman would if single be the protector of a settlement in respect of a prior estate which is not thereby settled or agreed or directed to be settled to her separate use, she and her husband together shall in respect of such estate be the protector of such settlement, and shall be deemed one owner; but if such prior estate shall by such settlement have been settled or agreed or directed to be settled to her separate use, then and in such case she alone shall in respect of such estate be the protector of such settlement.

Married woman and her husband shall be together the protector, except where the prior estate is settled to her separate use.

XXII. AND be it further enacted, that from and after the thirty-first day of October one thousand eight hundred and thirty-four it shall be lawful for any person, either before or after he shall become entitled in any manner, except as expectant heir of a living person, or as expectant heir of the body of a

Power to dispose of estates in lands not being vested estates.

living person, to an estate in lands, not being a vested estate, and whether he be or be not ascertained as the person or one of the persons in whom the same may become vested, to dispose of such lands for the whole or any part of such estate therein by any assurance, whether deed, will, or any other instrument by which he could have made such disposition if such estate were a vested estate in possession: Provided nevertheless, that no such disposition shall be valid or have any effect where the person making the same shall not at the time of the disposition have become entitled to such estate, unless the deed, will, or other instrument by virtue of which he may become entitled be existing and in operation at the time of the disposition.

Proviso as to protector in case of estates confirmed or restored by settlement.

XXIII. PROVIDED always, and be it further enacted, that except in the case of a lease herein-after provided for, where an estate shall be limited by a settlement by way of confirmation, or where the settlement shall merely have the effect of restoring an estate, in either of those cases such estate shall for the purposes of this Act, so far as regards the protector of the settlement, be deemed an estate subsisting under such settlement.

Proviso as to leases at rent created or confirmed by settlement.

XXIV. PROVIDED always, and be it further enacted, that where a lease at a rent shall be created or confirmed by a settlement, the person in whose favour such lease shall be created or confirmed shall not in respect thereof be the protector of such settlement.

No tenant in dower, bare trustee, heir, executor, &c. (except as hereafter mentioned) to be protector.

XXV. PROVIDED always, and be it further enacted, that no woman in respect of her dower, and (except in the case herein-after provided for of a bare trustee under a settlement made before the thirty-first day of October one thousand eight hundred and thirty-four) no bare trustee, heir, executor, administrator, or assign, in respect of any estate taken by him as such bare trustee, heir, executor, administrator, or assign, shall be the protector of a settlement.

Who shall be the protector where the owner of the prior estate shall by the two last clauses be excluded.

XXVI. PROVIDED always, and be it further enacted, that where under any settlement there shall be more than one estate prior to an estate tail, and the person who shall be the owner within the meaning of this Act of any such prior estate, in respect of which but for the two last preceding clauses or either of them he would have been the protector of the settlement, shall by virtue of such clauses or either of them be excluded from being the protector, then and in such case the person (if any) who, if such estate did not exist, would be the protector of the settlement, shall be such protector.

Where, in the disposition of an estate before 31st October 1834, the person to make the tenant to the writ of entry in a recovery shall be the protector.

XXVII. PROVIDED always, and be it further enacted, that where already or before the thirty-first day of October one thousand eight hundred and thirty-four an estate under a settlement shall have been disposed of either absolutely or otherwise, and either for valuable consideration or not, the person who in respect of such estate would, if this Act had not been passed, have been the proper person to have made the tenant to the writ of entry or other writ for suffering a common recovery of the lands entailed by such settlement, shall, during the continuance of the estate which conferred the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

Where, in the case of the disposition of a reversion on or before 31st October 1834, the person to

XXVIII. PROVIDED always, and be it further enacted, that where any person having, either already or before the thirty-first day of October one thousand eight hundred and thirty-four, either for valuable consideration or not, disposed of, either absolutely or otherwise, a remainder or reversion in fee in any lands, or created any estate out of such remainder or reversion,

would under this Act, if this clause had not been inserted, have been the protector of the settlement by which the lands were entailed in which such remainder or reversion may be subsisting, and thereby be enabled to concur in the barring of such remainder or reversion, which he could not have done if he had not become such protector, then and in every such case the person who, if this Act had not been passed, would have been the proper person to have made the tenant to the writ of entry or other writ for suffering a common recovery of such lands, shall, during the continuance of the estate which conferred the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

make the tenant to the writ of entry in a recovery shall be the protector.

XXIX. PROVIDED always, and be it further enacted, that where under any settlement of lands made before the passing of this Act the person who, if this Act had not been passed, would have been the proper person to make the tenant to the writ of entry or other writ for suffering a common recovery of such lands for the purpose of barring any estate tail or other estate under such settlement, shall be a bare trustee, such trustee shall, during the continuance of the estate conferring on him the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

Where a bare trustee under a settlement made before the passing of this Act shall be the protector.

XXX. PROVIDED always, and be it further enacted, that it shall be lawful for any settlor entailing lands to appoint, by the settlement by which the lands shall be entailed, any number of persons in esse, not exceeding three, and not being aliens, to be protector of the settlement in lieu of the person who would have been the protector if this clause had not been inserted, and either for the whole or any part of the period for which such person might have continued protector, and by means of a power to be inserted in such settlement to perpetuate during the whole or any part of such period the protectorship of the settlement in any one person or number of persons in esse, and not being an alien or aliens, whom the donee of the power shall think proper by deed to appoint protector of the settlement, in the place of any one person or number of persons who shall die or shall by deed relinquish his or their office of protector; and the person or persons so appointed shall, in case of there being no other person then protector of the settlement, be the protector, and shall, in case of there being any other person then protector of the settlement, be protector jointly with such other person: Provided nevertheless, that by virtue or means of any such appointment the number of the persons to compose the protector shall never exceed three: Provided further nevertheless, that every deed by which a protector shall be appointed under a power in a settlement, and every deed by which a protector shall relinquish his office, shall be void, unless inrolled in his Majesty's High Court of Chancery in Ireland within six calendar months after the execution thereof: Provided further nevertheless, that the person who but for this clause would have been sole protector of the settlement may be one of the persons to be appointed protector under this clause, if the settlor shall think fit, and shall, unless otherwise directed by the settlor, act as sole protector if the other persons constituting the protector shall have ceased to be so by death or relinquishment of the office by deed, and no other person shall have been appointed in their place.

Power to any settlor to appoint the protector.

Enrolment of deeds appointing protector, or relinquishing the office.

XXXI. PROVIDED always, and be it further enacted, that if any person, protector of a settlement, shall be lunatic, idiot, or of unsound mind, and whether

In cases of lunacy, the lord chancellor, &c.

and in cases of treason or felony, infancy, &c., the Court of Chancery to be the protector.

he shall have been found such by inquisition or not, then the lord high chancellor of Ireland, or the lord keeper or the lords commissioners for the custody of the great seal of Ireland for the time being, or other the person or persons for the time being intrusted by the King's sign manual with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, shall be the protector of such settlement in lieu of the person who shall be such lunatic or idiot or of unsound mind as aforesaid; or if any person, protector of a settlement, shall be convicted of treason or felony, or if any person, not being the owner of a prior estate under a settlement, shall be protector of such settlement, and shall be an infant, or if it shall be uncertain whether such last-mentioned person be living or dead, then his Majesty's High Court of Chancery in Ireland shall be the protector of such settlement in lieu of the person who shall be an infant, or whose existence cannot be ascertained as aforesaid; or if any settlor entailing lands shall in the settlement by which the lands shall be entailed declare that the person who as owner of a prior estate under such settlement would be entitled to be protector of the settlement, shall not be such protector, and shall not appoint any person to be protector in his stead, then the said Court of Chancery shall, as to the lands in which such prior estate shall be subsisting, be the protector of the settlement during the continuance of such estate; or if in any other case where there shall be subsisting under a settlement an estate prior to an estate tail under the same settlement, and such prior estate shall be sufficient to qualify the owner thereof to be protector of the settlement, and there shall happen at any time to be no protector of the settlement as to the lands in which the prior estate shall be subsisting, the said Court of Chancery shall, while there shall be no such protector, and the prior estate shall be subsisting, be the protector of the settlement as to such lands.

Where there is a protector, his consent shall be requisite to enable an actual tenant in tail to create a larger estate than a base fee.

XXXII. PROVIDED always, and be it further enacted, that if at the time when any person, actual tenant in tail of lands under a settlement, but not entitled to the remainder or reversion in fee immediately expectant on the determination of his estate tail, shall be desirous of making under this Act a disposition of the lands entailed, there shall be a protector of such settlement, then and in every such case the consent of such protector shall be requisite to enable such actual tenant in tail to dispose of the lands entailed to the full extent to which he is herein-before authorized to dispose of the same; but such actual tenant in tail may without such consent make a disposition under this Act of the lands entailed, which shall be good against all persons who, by force of any estate tail which shall be vested in or might be claimed by, or which but for some previous act or default would have been vested in or might have been claimed by, the person making the disposition at the time of his making the same, shall claim the lands entailed.

Where there is a base fee, and a protector, his consent shall be requisite to the exercise of the power of disposition.

XXXIII. PROVIDED always, and be it further enacted, that where an estate tail shall have been converted into a base fee, in such case, so long as there shall be a protector of the settlement by which the estate tail was created, the consent of such protector shall be requisite to enable the person who would have been tenant of the estate tail if the same had not been barred to exercise, as to the lands in respect of which there shall be such protector, the power of disposition herein-before contained.

XXXIV. AND be it further enacted, that any device, shift, or contrivance by which it shall be attempted to control the protector of a settlement in giving his consent, or to prevent him in any way from using his absolute discretion in regard to his consent, and also any agreement entered into by the protector of a settlement to withhold his consent, shall be void; and that the protector of a settlement shall not be deemed to be a trustee in respect of his power of consent; and a court of equity shall not control or interfere to restrain the exercise of his power or consent, nor treat his giving consent as a breach of trust.

The protector to be subject to no control in the exercise of his power of consenting.

XXXV. PROVIDED always, and be it further enacted, that the rules of equity in relation to dealings and transactions between the donee of a power and any object of the power in whose favour the same may be exercised, shall not be held to apply to dealings and transactions between the protector of a settlement and a tenant in tail under the same settlement, upon the occasion of the protector giving his consent to a disposition by a tenant in tail under this Act.

Certain rules of equity not to apply between a protector and a tenant in tail.

XXXVI. PROVIDED always, and be it further enacted, that when a tenant in tail of lands under a settlement shall have already created or shall hereafter create in such lands or any of them a voidable estate in favour of a purchaser for valuable consideration, and shall afterwards under this Act, by any assurance other than a lease not requiring enrolment, make a disposition of the lands in which such voidable estate shall be created, or any of them, such disposition, whatever its object may be, and whatever may be the extent of the estate intended to be thereby created, shall, if made by the tenant in tail with the consent of the protector (if any) of the settlement, or by the tenant in tail alone if there shall be no such protector, have the effect of confirming such voidable estate in the lands thereby disposed of to its full extent as against all persons except those whose rights are saved by this Act; but if at the time of making the disposition there shall be a protector of the settlement, and such protector shall not consent to the disposition, and the tenant in tail shall not without such consent be capable under this Act of confirming the voidable estate to its full extent, then and in such case such disposition shall have the effect of confirming such voidable estate so far as such tenant in tail would then be capable under this Act of confirming the same without such consent: Provided always, that if such disposition shall be made to a purchaser for valuable consideration, who shall not have express notice of the voidable estate, and if the deed or instrument creating such voidable estate shall not have been registered previous to such disposition, then and in such case the voidable estate shall not be confirmed as against such purchaser and the persons claiming under him.

A voidable estate by a tenant in tail, in favour of a purchaser, shall be confirmed by a subsequent disposition of such tenant in tail under this Act, but not against a purchaser without notice.

XXXVII. AND be it further enacted, that if a base fee in any lands, and the remainder or reversion in fee in the same lands, shall at the time of the passing of this Act, or at any time afterwards, be united in the same person, and at any time after the passing of this Act there shall be no intermediate estate between the base fee and the remainder or reversion, then and in such case the base fee shall not merge, but shall be ipso facto enlarged into as large an estate as the tenant in tail, with the consent of the protector, if any, might have created by any disposition under this Act, if such remainder or reversion had been vested in any other person.

Base fees, when united with the immediate reversions, enlarged instead of being merged.



Tenant in tail to make a disposition by deed, as if seised in fee, but not by will or contract; and if a married woman, with her husband's concurrence, &c.

XXXVIII. AND be it further enacted, that every disposition of lands under this Act by a tenant in tail thereof shall be effected by some one of the assurances (not being a will) by which such tenant in tail could have made the disposition if his estate were an estate at law in fee simple absolute: Provided nevertheless, that no disposition by a tenant in tail shall be of any force either at law or in equity under this Act, unless made or evidenced by deed; and that no disposition by a tenant in tail, resting only in contract, either express or implied, or otherwise, and whether supported by a valuable or meritorious consideration or not, shall be of any force at law or in equity under this Act, notwithstanding such disposition shall be made or evidenced by deed; and if [the tenant in tail making the disposition shall be a married woman, the concurrence of her husband shall be necessary to give effect to the same; and any deed which may be executed by her for effecting the disposition shall be acknowledged by her as herein-after directed.

Every assurance by a tenant in tail, except a lease not exceeding 21 years at a rack rent, or not less than five sixths of a rack rent, to be inoperative unless inrolled in Chancery within six months.

XXXIX. PROVIDED always, and be it further enacted, that no assurance by which any disposition of lands shall be effected under this Act by a tenant in tail thereof (except a lease for any term not exceeding twenty-one years, to commence from the date of such lease, or from any time not exceeding twelve calendar months from the date of such lease, where a rent shall be thereby reserved which at the time of granting such lease shall be a rack rent, or not less than five sixth parts of a rack rent,) shall have any operation under this Act, unless it be inrolled in his Majesty's High Court of Chancery in Ireland within six calendar months after the execution thereof; and if the assurance by which any disposition of lands shall be effected under this Act shall be a bargain and sale, such assurance, although not inrolled within the time prescribed by the Act passed in the tenth year of the reign of his Majesty King Charles the First, intituled "An Act expressing an order for uses, wills, and testaments," shall, if enrolled in the said Court of Chancery within the time prescribed by this clause, be as good and valid as the same would have been if the same had been inrolled in the said court within the time prescribed by the said Act of the tenth year of the reign of King Charles the First.

Irish Act  
10 Cha. 1. sess.  
2. c. 1.

Consent of the protector to be given by the same assurance, or by a distinct deed.

XL. AND be it further enacted, that the consent of the protector of a settlement to the disposition under this Act of a tenant in tail shall be given either by the same assurance by which the disposition shall be effected, or by a deed distinct from the assurance, and to be executed either on or at any time before the day on which the assurance shall be made, otherwise the consent shall be void.

If by distinct deed, the consent shall be considered unqualified, unless it be expressly limited.

XLI. AND be it further enacted, that if the protector of a settlement shall, by a distinct deed, give his consent to the disposition of a tenant in tail, it shall be considered that such protector has given an absolute and unqualified consent, unless in such deed he shall refer to the particular assurance by which the disposition shall be effected, and shall confine his consent to the disposition thereby made.

Protector not to revoke his consent.

XLII. AND be it further enacted, that it shall not be lawful for the protector of a settlement, who under this Act shall have given his consent to the disposition of a tenant in tail, to revoke such consent.

A married woman protector

XLIII. AND be it further enacted, that any married woman, being either alone or jointly with her husband protector of a settlement, may, under this

Act, in the same manner as if she were a feme sole, give her consent to the disposition of a tenant in tail. may consent as a feme sole.

XLIV. PROVIDED always, and be it further enacted, that the consent of a protector to the disposition of a tenant in tail shall, if given by a deed distinct from the assurance by which the disposition shall be effected by the tenant in tail, be void, unless such deed be enrolled in his Majesty's High Court of Chancery either at or before the time when the assurance shall be enrolled. Consent of a protector by distinct deed void, unless inrolled with or before the assurance.

XLV. AND be it further enacted, that in cases of dispositions of lands under this Act by tenants in tail thereof, and also in cases of consents by protectors of settlements to dispositions of lands under this Act by tenants in tail thereof, the jurisdiction of courts of equity shall be altogether excluded, either on the behalf of a person claiming for a valuable or meritorious consideration or not, in regard to the specific performance of contracts and the supplying of defects in the execution either of the powers of disposition given by this Act to tenants in tail, or of the powers of consent given by this Act to protectors of settlements and the supplying under any circumstances of the want of execution of such powers of disposition and consent respectively, and in regard to giving effect in any other manner to any act or deed by a tenant in tail or protector of a settlement which in a court of law would not be an effectual disposition or consent under this Act; and that no disposition of lands under this Act by a tenant in tail thereof in equity, and no consent by a protector of a settlement to a disposition of lands under this Act by a tenant in tail thereof in equity, shall be of any force, unless such disposition or consent would in case of an estate tail at law be an effectual disposition or consent under this Act in a court of law. Courts of equity excluded from giving any effect to dispositions by tenants in tail, or consents of protectors of settlements, which in courts of law would not be effectual.

XLVI. PROVIDED always, and be it further enacted, that in every case in which the lord high chancellor, lord keeper, or lords commissioners for the custody of the great seal, or other the person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, or his Majesty's High Court of Chancery in Ireland, shall be the protector of a settlement, such lord high chancellor, lord keeper, or lords commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), while protector of such settlement, shall, on the motion or petition in a summary way by a tenant in tail under such settlement, have full power to consent to a disposition under this Act by such tenant in tail, and the disposition to be made by such tenant in tail upon such motion or petition as aforesaid shall be such as shall be approved of by such lord high chancellor, lord keeper, or lords commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be); and it shall be lawful for such lord high chancellor, lord keeper, or lords commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), to make such orders in the matter as shall be thought necessary; and if such lord high chancellor, lord keeper, or lords commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), shall, in lieu of any such person as aforesaid, be the protector of a settlement, and there shall be any other person protector of the same settlement jointly with such person as aforesaid, then and in every such case the disposition by the tenant in tail, though approved of as Lord chancellor, &c. when protector may consent to a disposition by a tenant in tail, and may make such orders as shall be thought necessary; and if any other person is joint protector, the disposition shall not be valid without his consent.

aforesaid, shall not be valid, unless such other person being protector as aforesaid shall consent thereto in the manner in which the consent of the protector is by this Act required to be given.

Order of the lord chancellor, &c. to be evidence of consent.

XLVII. PROVIDED always, and be it further enacted, that in every case in which the lord high chancellor, lord keeper, or lords commissioners for the custody of the great seal in Ireland, or other the person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, or his Majesty's High Court of Chancery in Ireland, shall be the protector of a settlement, no document or instrument, as evidence of the consent of such protector to the disposition of a tenant in tail under such settlement, shall be requisite, beyond the order in obedience to which the disposition shall have been made.

Repeal of part of Irish Act 11 & 12 Geo. 3. c. 8.

XLVIII. AND be it further enacted, that after the thirty-first day of October one thousand eight hundred and thirty-four so much of an Act passed in the eleventh and twelfth years of the reign of his Majesty King George the Third, intituled "An Act to prevent frauds committed by bankrupts," as empowers the commissioners named in any commission of bankrupt issued against a tenant in tail to make sale of any lands, tenements, and hereditaments, whereof such bankrupt shall be seised of any estate tail in possession, reversion, or remainder, and whereof no reversion or remainder is in the crown, the gift or provision of the crown, shall be and the same is hereby repealed [Rep., Stat. Law Rev. Act, 1874.]: . . . . .

The commissioner, in the case of an actual tenant in tail becoming bankrupt after 31st October 1834, shall by deed dispose of the lands entailed to a purchaser for the benefit of the creditors.

XLIX. AND be it further enacted, that any commissioner acting in the execution of any commission which after the thirty-first day of October one thousand eight hundred and thirty-four shall be issued in pursuance of the said Act passed in the eleventh and twelfth years of the reign of King George the Third, under which any person shall be adjudged a bankrupt, who at the time of issuing such commission, or at any time afterwards before he shall have obtained his certificate, shall be an actual tenant in tail of lands of any tenure, shall by deed dispose of such lands to a purchaser for valuable consideration, for the benefit of the creditors of such actual tenant in tail, and shall create by any such disposition as large an estate in the lands disposed of as the actual tenant in tail, if he had not become bankrupt, could have done under this Act at the time of such disposition: Provided always, that if at the time of the disposition of such lands or any of them by such commissioner as aforesaid, there shall be a protector of the settlement by which the estate of such actual tenant in tail in the lands disposed of by such commissioner was created, and the consent of such protector would have been requisite to have enabled the actual tenant in tail, if he had not become bankrupt, to have disposed of such lands to the full extent to which if there had been no such protector he could under this Act have disposed of the same, and such protector shall not consent to the disposition, then and in such case the estate created in such lands, or any of them, by the disposition of such commissioner, shall be as large an estate as the actual tenant in tail, if he had not become bankrupt, could at the time of such disposition have created under this Act in such lands without the consent of the protector.

Commissioner, in case of a tenant in tail entitled to a base fee in lands becoming bankrupt, and of there being no protector,

L. AND be it further enacted, that any commissioner acting in the execution of any such commission as aforesaid, under which any person shall be adjudged a bankrupt who, at the time of issuing such commission or at any time afterwards before he shall have obtained his certificate, shall be a tenant in tail entitled to a base fee in lands of any tenure, shall by deed dispose of such lands to a purchaser for valuable consideration for the benefit of the

creditors of the person so entitled as aforesaid, provided at the time of the disposition there be no protector of the settlement by which the estate tail converted into the base fee was created; and by such disposition the base fee shall be enlarged into as large an estate as the same could at the time of such disposition have been enlarged into under this Act by the person so entitled, if he had not become bankrupt.

shall by deed dispose of such lands to a purchaser.

LI. AND be it further enacted, that the commissioner acting in the execution of any such commission as aforesaid under which a person being, or before obtaining his certificate becoming, an actual tenant in tail of lands of any tenure, or a tenant in tail entitled to a base fee in lands of any tenure, shall be adjudged a bankrupt, shall, if there shall be a protector of the settlement by which the estate tail of such actual tenant in tail, or the estate tail converted into a base fee (as the case may be), was created, stand in the place of such actual tenant in tail, or tenant in tail so entitled as aforesaid, so far as regards the consent of such protector; and the disposition of such lands or any of them by such commissioner as aforesaid, if made with the consent of such protector, shall, whether such commissioner may have made under this Act a prior disposition of the same lands without the consent of such protector or not, or whether a prior sale or conveyance of the same lands shall have been made or not, under the said Act of the eleventh and twelfth years of King George the Third, or any Acts hereafter to be passed concerning bankrupts, have the same effect as such disposition would have had if such actual tenant in tail or tenant in tail so entitled as aforesaid had not become bankrupt, and such disposition had been made by him under this Act with the consent of such protector; and all the previous clauses in this Act, in regard to the consent of the protector to the disposition of a tenant in tail of lands not held by copy of court roll, and in regard to the time and manner of giving such consent, and in regard to the inrolment of the deed of consent, where such deed shall be distinct from the assurance by which the disposition of the commissioner shall be effected, shall, except so far as the same may be varied by the clause next herein-after contained, apply to every consent that may be given by virtue of this present clause.

Consent of the protector, &c. in cases of bankruptcy.

LII. AND be it further enacted, that every deed by which any commissioner acting in the execution of any such commission as aforesaid shall, under this Act, dispose of lands, shall be void unless inrolled in his Majesty's High Court of Chancery in Ireland within six calendar months after the execution thereof.

Inrolment of the deed of disposition of lands by commissioner.

LIII. AND be it further enacted, that if any commissioner acting in the execution of any such commission as aforesaid shall under this Act dispose of any lands of any tenure of which the bankrupt shall be actual tenant in tail, and in consequence of there being a protector of the settlement by which the estate of such actual tenant in tail was created, and of his not giving his consent, only a base fee shall by such disposition be created in such lands; and if at any time afterwards during the continuance of the base fee there shall cease to be a protector of such settlement, then and in such case, and immediately thereupon, such base fee shall be enlarged into the same estate into which the same could have been enlarged under this Act, if at the time of the disposition by such commissioner as aforesaid there had been no such protector.

Subsequent enlargement of base fees created by the disposition of the commissioner.

Enlargement of base fees subsequent to the sale or conveyance of the same under Bankruptcy Acts.

LIV. AND be it further enacted, that if a tenant in tail entitled to a base fee in lands of any tenure shall be adjudged a bankrupt at the time when there shall be a protector of the settlement by which the estate tail converted into the base fee was created, and if such lands shall be sold or conveyed under the said Act of the eleventh and twelfth years of King George the Third, or any other Act hereafter to be passed concerning bankrupts, and if at any time afterwards during the continuance of the base fee in such lands there shall cease to be a protector of such settlement, then and in such case, and immediately thereupon, the base fee in such lands shall be enlarged into the same estate into which the same could have been enlarged under this Act, if at the time of the adjudication of such bankruptcy there had been no such protector, and the commissioner acting in the execution of the commission under which the tenant in tail so entitled shall have been adjudged a bankrupt had disposed of such lands under this Act.

A voidable estate created in favour of a purchaser by an actual tenant in tail or tenant in tail entitled to a base fee who afterwards becomes bankrupt, shall be confirmed by the disposition of the commissioner, if no protector, or being such with his consent, or on there ceasing to be a protector, &c.; except against a purchaser without notice.

LV. PROVIDED always, and be it further enacted, that where an actual tenant in tail of lands of any tenure, or a tenant in tail entitled to a base fee in lands of any tenure, shall have already created or shall hereafter create in such lands, or any of them, a voidable estate in favour of a purchaser for valuable consideration, and such actual tenant in tail, or tenant in tail so entitled as aforesaid, shall be adjudged a bankrupt under any such commission as aforesaid, and the commissioner acting in the execution of such commission shall make any disposition under this Act of the lands in which such voidable estate shall be created, or any of them, then and in such case, if there shall be no protector of the settlement by which the estate tail of the actual tenant in tail, or the estate tail converted into a base fee, as the case may be, was created, or being such protector he shall consent to the disposition by such commissioner as aforesaid, whether such commissioner may have made under this Act a previous disposition of such lands or not, or whether a prior sale or conveyance of the same lands shall have been made or not under the said Act of the eleventh and twelfth years of King George the Third, or any other Acts hereafter to be passed concerning bankrupts, the disposition by such commissioner shall have the effect of confirming such voidable estate in the lands thereby disposed of to its full extent as against all persons, except those whose rights are saved by this Act; and if at the time of the disposition by such commissioner, in the case of an actual tenant in tail, there shall be a protector, and such protector shall not consent to the disposition by such commissioner, and such actual tenant in tail, if he had not been adjudged a bankrupt, would not without such consent have been capable under this Act of confirming the voidable estate to its full extent, then and in such case such disposition shall have the effect of confirming such voidable estate so far as such actual tenant in tail, if he had not been adjudged a bankrupt, could at the time of such disposition have been capable under this Act of confirming the same without such consent; and if at any time after the disposition of such lands by such commissioner, and while only a base fee shall be subsisting in such lands, there shall cease to be a protector of such settlement, and such protector shall not have consented to the disposition by such commissioner, then and in such case such voidable estate, so far as the same may not have been previously confirmed, shall be confirmed to its full extent as against all persons except those whose rights are saved by this Act: Provided always,

that if the disposition by any such commissioner as aforesaid shall be made to a purchaser for valuable consideration, who shall not have express notice of the voidable estate, and if the deed or instrument making such voidable estate shall not have been registered previous to such disposition, then and in such case the voidable estate shall not be confirmed against such purchaser and the persons claiming under him.

LVI. AND be it further enacted, that all acts and deeds done and executed by a tenant in tail of lands of any tenure who shall be adjudged a bankrupt under any such commission as aforesaid, and which shall affect such lands or any of them, and which, if he had been seised of or entitled to such lands in fee simple absolute, would have been void against the assignees of the bankrupt's estate and all persons claiming under them, shall be void against any disposition which may be made of such lands under this Act by such commissioner as aforesaid.

Acts of a bankrupt tenant in tail void against any disposition under this Act by the commissioner.

LVII. PROVIDED always, and be it further enacted, that subject and without prejudice to the powers of disposition given by this Act to the commissioner acting in the execution of any such commission as aforesaid, under which a person being, or before obtaining his certificate becoming, an actual tenant in tail of lands of any tenure, or a tenant in tail entitled to a base fee in lands of any tenure, shall be adjudged a bankrupt, and also subject and without prejudice to the estate in such lands which may be vested in the assignees of the bankrupt's estate, and also subject and without prejudice to the rights of all persons claiming under the said assignees in respect of such lands or any of them such actual tenant in tail or tenant in tail so entitled as aforesaid shall have the same powers of disposition under this Act in regard to such lands, as he would have had if he had not become bankrupt.

Subject to the powers given to the commissioner, and to the estate in the assignees, a bankrupt tenant in tail shall retain his powers of disposition.

LVIII. AND be it further enacted, that any disposition under this Act of lands of any tenure by any commissioner acting in the execution of any such commission as aforesaid, under which a person being, or before obtaining his certificate becoming, an actual tenant in tail of such lands, or a tenant in tail entitled to a base fee in such lands, shall be adjudged a bankrupt, shall, although the bankrupt be dead at the time of the disposition, be in the following cases as valid and effectual as the same would have been, and have the same operation under this Act as the same would have had, if the bankrupt were alive; (that is to say,) in case at the time of the bankrupt's decease there shall be no protector of the settlement by which the estate tail of the actual tenant in tail, or the estate tail converted into a base fee, (as the case may be,) was created; or in case the bankrupt had been an actual tenant in tail of such lands, and there shall at the time of the disposition be any issue inheritable to the estate tail of the bankrupt in such lands, and either no protector of the settlement by which the estate tail was created, or a protector of such settlement who in the manner required by this Act shall consent to the disposition, or a protector of such settlement who shall not consent to the disposition; or in case the bankrupt had been a tenant in tail entitled to a base fee in such lands, and there shall at the time of the disposition be any issue who, if the base fee had not been created, would have been actual tenant in tail of such lands, and either no protector of the settlement by which the estate tail converted into a base fee was created, or a protector of such settlement who in the manner required by this Act shall consent to the disposition.

The disposition by the commissioner of the lands of a bankrupt tenant in tail shall, if the bankrupt be dead, have in the cases herein mentioned the same operation as if he were alive.

Assignees to recover rents of the lands of the bankrupt of which the commissioner has power to make disposition and to enforce covenants, as the bankrupt could have done if not adjudged bankrupt.

Irish Act  
15 Geo. 2. c. 8.

Clause to apply to lands of any tenure, &c.

All the provisions of this Act in regard to bankrupts shall apply to their lands in England.

Deeds relating to the lands of bankrupts in England to be

LIX. AND be it further enacted, that the rents and profits of any lands of which any commissioner acting in the execution of any such commission as aforesaid hath power to make disposition under this Act shall, in the meantime and until such disposition shall be made, or until it shall be ascertained that such disposition shall not be required for the benefit of the creditors of the person adjudged bankrupt under the commission, be received by the assignees of the estate of the bankrupt for the benefit of his creditors; and the assignees may proceed by action of debt for the recovery of such rents and profits, or may distrain for the same upon the lands subject to the payment thereof, and in case any action of trespass shall be brought for taking any such distress, may plead thereto the general issue, and give this Act or other special matter in evidence, and also, in case any such distress shall be replevied, shall have power to avow or make cognizance generally in such manner and form as any landlord may now do by virtue of the statute made in the fifteenth year of the reign of his Majesty King George the Second, intituled "An Act for the more effectual securing the payment of " rents, and preventing frauds by tenants," or by any other law or statute now in force or hereafter to be made for the more effectually recovering of rent in arrear; and such assignees, and their bailiffs, agents, and servants, shall also have all such and the same remedies, powers, privileges, and advantages of pleading, avowing, and making cognizance, and be entitled to the same costs and damages, and the same remedies for the recovery thereof, as landlords, their bailiffs, agents, and servants, are now or hereafter may be by law entitled to have when rent is in arrear; and such assignees shall also have the same power and authority of enforcing the observance of all covenants, conditions, and agreements in respect of the lands of which such commissioner as aforesaid hath the power of disposition under this Act, and in respect of the rents and profits thereof, and of entry into and upon the same lands for the non-observance of any such covenant, condition, and agreement, and of expelling and amoving therefrom the tenants or other occupiers thereof, and of proceeding under the various statutes passed in Ireland providing the remedies of ejectment for the nonpayment of rent, and thereby determining and putting an end to the estate of the persons who shall not have observed such covenants, conditions, and agreements, as the bankrupt would have had in case he had not been adjudged a bankrupt: Provided always, that this clause shall apply to lands of any tenure which any commissioner acting in the execution of any such commission as aforesaid may have power to dispose of under this Act after the bankrupt's decease.

LX. AND be it further enacted, that all the provisions in this Act contained for the benefit of the creditors of persons who under such commissions as aforesaid shall be adjudged bankrupts after the thirty-first day of October one thousand eight hundred and thirty-four, and for the confirmation in consequence of bankruptcy of voidable estates created by them, shall extend and apply to the lands of any tenure in England of such persons, as fully and effectually as if this Act had throughout extended to lands of any tenure in England.

LXI. PROVIDED always, and be it further enacted, that in all cases of bankruptcy every deed of disposition under this Act of lands in England by any commissioner acting in the execution of any such commission as aforesaid

and also every deed by which the protector of a settlement of lands in England shall consent, shall be inrolled in his Majesty's High Court of Chancery in England within six calendar months after the execution thereof, and not in his Majesty's High Court of Chancery in Ireland.

inrolled in the Court of Chancery there.

\* \* \* \* \*

LXIII. AND be it further enacted, that lands to be sold, whether freehold or leasehold, or of any other tenure, where the money arising from the sale thereof shall be subject to be invested in the purchase of lands to be settled so that any person, if the lands were purchased, would have an estate tail therein, and also money subject to be invested in the purchase of lands to be settled so that any person, if the lands were purchased, would have an estate tail therein, shall for all the purposes of this Act be treated as the lands to be purchased, and be considered subject to the same estates as the lands to be purchased would, if purchased, have been actually subject to; and all the previous clauses in this Act, so far as circumstances will admit, shall in the case of the lands to be sold as aforesaid, being either freehold or leasehold, or of any other tenure, apply to such lands in the same manner as if the lands to be purchased with the money to arise from the sale thereof were directed to be freehold, and were actually purchased and settled, and shall, in the case of money subject to be invested in the purchase of lands to be so settled as aforesaid, apply to such money in the same manner as if such money were directed to be laid out in the purchase of freehold lands, and such lands were actually purchased and settled; save and except that in every case where under this clause a disposition shall be to be made of leasehold lands for years, absolute or determinable, so circumstanced as aforesaid, or of money so circumstanced as aforesaid, such leasehold lands or money shall, as to the person in whose favour or for whose benefit the disposition is to be made, be treated as personal estate; and, except in case of bankruptcy, the assurance by which the disposition of such leasehold lands or money shall be effected shall be an assignment by deed, which shall have no operation under this Act, unless inrolled in his Majesty's High Court of Chancery within six calendar months after the execution thereof; and in every case of bankruptcy the disposition of such leasehold lands or money shall be made by the commissioner, and completed by inrolment in the same manner as herein-before required in regard to lands.

The previous clauses, with certain variations, to apply to lands of any tenure to be sold, where the purchase money is subject to be invested in the purchase of lands to be entailed, and where money is subject to be invested in like manner.

LXIV. AND be it further enacted, that, so far as regards any person adjudged a bankrupt under any such commission as aforesaid, the provisions of the clause lastly herein-before contained shall, for the benefit of the creditors of the bankrupt, apply to lands in England to be sold, whether freehold or leasehold or of any other tenure, where the money arising from the sale thereof shall be subject to be invested in the purchase of lands to be settled so that the bankrupt, if the lands were purchased, would have an estate tail therein, and also to money under the control of any court of equity in England, or of or to which any individuals as trustees may be possessed or entitled in England, and which shall be subject to be invested in the purchase of lands to be settled so that the bankrupt, if the lands were purchased, would have an estate tail therein, as fully and effectually as if this Act had throughout extended to England: Provided always, that every deed to be executed by any commissioner or protector, in pursuance of this clause, in regard to lands in England

In cases of bankruptcy, lands of any tenure in England to be sold, where the purchase money is subject to be invested in the purchase of lands to be entailed, and money under the control of a court of equity in England, subject to be invested in like manner, shall be subject to this Act.



to be so sold as aforesaid, shall be inrolled in his Majesty's High Court of Chancery in England within six calendar months after the execution thereof; but every deed to be executed by any commissioner or protector in pursuance of this clause, in regard to money subject to be invested in the purchase of lands to be so settled as aforesaid, shall be inrolled in his Majesty's High Court of Chancery in Ireland within six calendar months after the execution thereof, and not in his Majesty's High Court of Chancery in England.

Deeds need not be acknowledged before inrolment.

LXV. AND be it further enacted, that any rule or practice requiring deeds to be acknowledged before inrolment shall not apply to any deed by this Act required to be inrolled in his Majesty's High Court of Chancery in Ireland.

Deeds to be inrolled under this Act shall after inrolment take effect as if inrolment not required, except as to purchasers under subsequent deeds previously inrolled.

LXVI. AND be it further enacted, that every deed required to be inrolled in his Majesty's High Court of Chancery in Ireland, by which lands or money subject to be invested in the purchase of lands shall be disposed of under this Act, shall, when inrolled as required by this Act, operate and take effect in the same manner as it would have done if the inrolment thereof had not been required, except that every such deed shall be void against any person claiming the lands or money thereby disposed of, or any part thereof, for valuable consideration, under any subsequent deed duly inrolled under this Act, if such subsequent deed shall be first inrolled.

The Court of Chancery to regulate the fees to be paid for the inrolment of deeds, &c.

LXVII. AND be it further enacted, that it shall be lawful for his Majesty's High Court of Chancery in Ireland, as to deeds to be inrolled in Ireland under this Act, from time to time to make such orders as the court shall think fit touching the amount of the fees and charges to be paid for the inrolment of such deeds, and to be paid for searches for such deeds in the office of inrolments, and to be paid for copies of the inrolments of deeds under this Act, where such copies are examined with the inrolments, and signed by the proper officer having the custody of such inrolments.

A married woman, with her husband's concurrence, may dispose of lands, and money subject to be invested in the purchase of lands, and of any estate therein, and release and extinguish powers, as a feme sole under the provisions of this Act.

LXVIII. AND be it further enacted, that after the thirty-first day of October one thousand eight hundred and thirty-four it shall be lawful for every married woman, in every case except that of being tenant in tail, for which provision is already made by this Act, by deed to dispose of lands of any tenure, and money subject to be invested in the purchase of lands, and also to dispose of, disclaim, release, surrender, or extinguish any estate which she alone, or she and her husband in her right, may have in any lands of any tenure, or in any such money as aforesaid, and also to release or extinguish any power which may be vested in or limited or reserved to her in regard to any lands of any tenure, or any such money as aforesaid, or in regard to any estate in any lands of any tenure or in any such money as aforesaid, as fully and effectually as she could do if she were a feme sole; save and except that no such disposition, release, surrender, or extinguishment shall be valid and effectual unless the husband concur in the deed by which the same shall be effected, nor unless the deed be acknowledged by her as herein-after directed.

The powers of disposition given to a married woman by this Act not to interfere with any other powers.

LXIX. PROVIDED always, and be it further enacted, that the powers of disposition given to a married woman by this Act shall not interfere with any power which, independently of this Act, may be vested in or limited or reserved to her, so as to prevent her from exercising such power in any case, except so far as by any disposition made by her under this Act she may be prevented from so doing in consequence of such power having been suspended

or extinguished by such disposition ; but such powers of disposition shall not enable a married woman to dispose of lands, or any estate therein, where the settlement or other instrument under which she may be entitled to the same shall contain a valid restriction against the anticipation thereof by such married woman.

Proviso as to restraints on anticipation.

LXX. AND be it further enacted, that every deed to be executed by a married woman for any of the purposes of this Act, except such as may be executed by her in the character of protector for the sole purpose of giving her consent to the disposition of a tenant in tail, shall, upon her executing the same, or afterwards, be produced and acknowledged by her as her act and deed before a judge of one of the superior courts at Dublin, or a master in Chancery, or before two of the perpetual commissioners, or two special commissioners, to be respectively appointed as herein-after provided.

Every deed by a married woman, not executed by her as protector, to be acknowledged by her before a judge, &c.

LXXI. AND be it further enacted, that such judge, master in Chancery, or commissioners as aforesaid, before he or they shall receive the acknowledgment by any married woman of any deed by which any disposition, release, surrender, or extinguishment shall be made by her under this Act, shall examine her apart from her husband touching her knowledge of such deed, and shall ascertain whether she freely and voluntarily consents to such deed, and unless she freely and voluntarily consents to such deed shall not permit her to acknowledge the same ; and in such case such deed shall, so far as relates to the execution thereof by such married woman, be void.

The judge, &c. before receiving such acknowledgment, to examine her apart from her husband.

LXXII. AND be it further enacted, that, for the purpose of providing convenient means of taking acknowledgments by married women of the deeds to be executed by them as aforesaid, the lord chief justice of the Court of Common Pleas in Dublin shall from time to time appoint such proper person as he shall think fit, for every county, riding, division, or place for which there may be a clerk of the peace, to be perpetual commissioners for taking such acknowledgments ; and such commissioners shall be removable by and at the pleasure of the said lord chief justice ; and lists of the names of such commissioners for the time being, with the names of their places of residence, and the counties, ridings, divisions, or places for which they shall be respectively appointed to act, shall from time to time be made out and be kept by the officer of the Court of Common Pleas in Dublin, with whom the certificates of the acknowledgments by married women are to be lodged as herein-after mentioned ; and such officer shall from time to time transmit, without fee or reward, to the clerk of the peace for each county, riding, division, or place, or his deputy, a copy of the list to be so from time to time made out for that county, riding, division, or place ; and such officer shall deliver a copy, signed by him, of the list for the time being for any county, riding, division, or place, to any person applying for the same ; and the clerk of the peace for each county, riding, division, or place, or his deputy, shall deliver a copy, signed by him, of the list last transmitted to him as aforesaid, to any person applying for the same.

Appointment of perpetual commissioners for each county or place, and lists of the commissioners, &c.

LXXIII. PROVIDED always, and be it further enacted, that any person appointed commissioner for any particular county, riding, division, or place shall be competent to take the acknowledgment of any married woman where-soever she may reside, and wheresoever the lands or money in respect of which the acknowledgment is to be taken may be.

Power of perpetual commissioners not confined to any particular place.



' said was at the time of her acknowledging the said deed  
' of full age and competent understanding, and that she was examined by me  
' [or us] apart from her husband touching her knowledge of the contents of  
' the said deed, and that she freely and voluntarily consented to the same.'

LXXVI. AND be it further enacted, that every such certificate as aforesaid of the taking of an acknowledgment by a married woman of any such deed as aforesaid, together with an affidavit by some person verifying the same and the signature thereof by the party by whom the same shall purport to be signed, shall be lodged with some officer of the Court of Common Pleas in Dublin to be appointed as herein-after mentioned; and such officer shall examine the certificate, and see that it is duly signed, either by some judge or master in Chancery, or by two commissioners appointed pursuant to this Act, and duly verified by affidavit as aforesaid, and shall also see that it contains such statement of particulars as to the consent of the married woman as shall from time to time be required in that behalf; and if all the requisites in this Act in regard to the certificate shall have been complied with, then such officer shall cause the said certificate and the affidavit to be filed of record in the said Court of Common Pleas.

Certificate, with affidavit verifying the same, to be lodged with some officer of the Court of Common Pleas in Dublin, who shall cause the same to be filed of record in the court.

LXXVII. AND be it further enacted, that when the certificate of the acknowledgment of a deed by a married woman shall be so filed of record as aforesaid, the deed so acknowledged shall, so far as regards the disposition, release, surrender, or extinguishment thereby made by any married woman whose acknowledgment shall be so certified concerning any lands or money comprised in such deed, take effect from the time of its being acknowledged; and the subsequent filing of such certificate as aforesaid shall have relation to such acknowledgment.

On filing of certificate, the deed shall take effect from time of acknowledgment.

LXXVIII. AND be it further enacted, that the officer of the Court of Common Pleas with whom such certificates as aforesaid shall be lodged shall make and keep an index of the same; and such index shall contain the names of the married women and their husbands alphabetically arranged, and the dates of such certificates and of the deeds to which the same shall respectively relate, and such other particulars as shall be found convenient; and every such certificate shall be entered in the index as soon as may be after such certificate shall have been filed.

The officer with whom the certificates are lodged shall make an index of the same.

LXXIX. AND be it further enacted, that after the filing of any such certificate as aforesaid the officer with whom the certificate shall be lodged shall at any time deliver a copy, signed by him, of any such certificate, to any person applying for such copy; and every such copy shall be received as evidence of the acknowledgment of the deed to which such certificate shall refer.

Officer to deliver copies of certificates filed, which shall be evidence.

LXXX. AND be it further enacted, that the lord chief justice of the Court of Common Pleas in Dublin shall from time to time appoint the person who shall be the officer with whom such certificates as aforesaid shall for the time being be lodged, and may remove him at pleasure; and the Court of Common Pleas in Dublin shall also from time to time make such orders and regulations as the court shall think fit, touching the mode of examination to be pursued by the commissioners to be appointed under this Act, and touching the particular matters to be mentioned in such memorandum and certificates as aforesaid, and the affidavits verifying the certificates, and the time within which any of the aforesaid proceedings shall take place, and touching the amount of the fees

Chief justice of Common Pleas to appoint the officer with whom the certificates shall be lodged; and the court to make orders touching the examination, memorandum, certificates, affidavits, &c.

or charges to be paid for the copies to be delivered by the clerks of the peace or their deputies, or by the officer of the said court, as herein-before directed, and also of the fees or charges to be paid for taking acknowledgments of deeds, and for examining married women, and for the proceedings, matters, and things required by this Act to be had, done, and executed for completing and giving effect to such acknowledgments and examinations.

Court of Common Pleas, in the case of a husband being lunatic, &c., may dispense with his concurrence, and thereupon the acts of the wife alone shall be valid, except where the lord chancellor or other persons intrusted with lunatics, or the Court of Chancery, shall be the protector of a settlement in lieu of the husband.

LXXXI. PROVIDED always, and be it further enacted, that if a husband shall, in consequence of being a lunatic, idiot, or of unsound mind, and whether he shall have been found such by inquisition or not, or shall from any other cause be incapable of executing a deed, or if his residence shall not be known, or he shall be in prison, or shall be living apart from his wife, either by mutual consent or by sentence of divorce, or in consequence of his being transported beyond the seas, or from any other cause whatsoever, it shall be lawful for the Court of Common Pleas in Dublin, by an order to be made in a summary way upon the application of the wife, and upon such evidence as to the said court shall seem meet, to dispense with the concurrence of the husband in any case in which his concurrence is required by this Act or otherwise; and all acts or deeds to be done, executed, or made by the wife in pursuance of such order, in regard to lands of any tenure, or in regard to money subject to be invested in the purchase of lands, shall be done, executed, or made by her in the same manner as if she were a feme sole, and when done, executed, or made by her shall (but without prejudice to the rights of the husband as then existing independently of this Act) be as good and valid as they would have been if the husband had concurred: Provided always, that this clause shall not extend to the case of a married woman, where under this Act the lord high chancellor, lord keeper or lords commissioners for the custody of the great seal, or other the person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, or his Majesty's High Court of Chancery, shall be the protector of a settlement in lieu of her husband.

\* \* \* \* \*

## 5 &amp; 6 WILLIAM IV. A.D. 1835.

STATUTES MADE AT THE PARLIAMENT  
BEGUN AND HOLDEN AT WESTMINSTER, THE NINETEENTH DAY OF  
FEBRUARY, A.D. 1835,

IN THE FIFTH YEAR OF THE REIGN OF KING WILLIAM THE FOURTH,  
BEING THE FIRST SESSION OF THE TWELFTH PARLIAMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND IRELAND.

## CHAPTER XVI.

AN ACT for altering and amending the Law regarding Commitments by Courts  
of Equity for Contempts, and the taking Bills pro Confesso, in Ireland.

[30th July 1835.]

**W**HEREAS it is expedient to amend the law regarding commitments by  
courts of equity for contempts, and the taking bills pro confesso, in  
Ireland: Be it therefore enacted by the King's most excellent Majesty, by and  
with the advice and consent of the lords spiritual and temporal, and commons,  
in this present Parliament assembled, and by the authority of the same, that  
the marshal of the marshalsea of the four courts prison shall keep a register  
of the names of all persons committed by the courts of equity for contempts,  
stating the dates and the grounds of their several commitments, and the dates  
of their respective discharges, and shall, on the twentieth day of January, the  
twentieth day of April, the twentieth day of July, and the twentieth day of  
October, in every year, make a report to the lord chancellor of the names and  
descriptions of such prisoners in his custody on each of such days respectively,  
with the causes and dates of their respective commitments.

Marshal of the  
four courts  
marshalsea to  
keep a register  
of persons com-  
mitted by courts  
of equity for  
contempts, and  
report to lord  
chancellor.

II. AND whereas sometimes persons have withdrawn themselves beyond  
the seas or otherwise absconded, to avoid appearing in courts of equity, or  
being served with process for that purpose, or, being brought into court by  
habeas corpus, have refused to appear: For remedy of the inconvenience  
thence ensuing, be it further enacted, that if in any suit, not being for the  
foreclosure of a mortgage, which hath been or hereafter shall be commenced  
in any court of equity, any defendant against whom any subpoena or other  
process shall issue shall not cause his appearance to be entered upon such  
process within such time and in such manner as according to the rules of the  
court the same ought to have been entered in case such process had been duly  
served, and an affidavit or affidavits shall be made to the satisfaction of such  
court that such defendant is beyond the seas, or that upon inquiry at his usual  
place of abode he could not be found so as to be served with such process, and  
that there is just ground to believe that such defendant is gone out of the  
realm, or has otherwise absconded, to avoid being served with the process of  
such court, then and in such case the court out of which such process issued  
may make an order directing and appointing such defendant to appear at a  
certain day therein to be named; and a copy of such order shall, within four-  
teen days after such order made, be inserted in the Dublin Gazette, and  
published on some Lord's day immediately after divine service in the parish

Proceedings in  
case of defend-  
ants not ap-  
pearing within  
due time after  
subpoena or  
other process  
has been issued.

church where such defendant made his usual abode within thirty days next before such his absenting, and also a copy of such order shall within the time aforesaid be posted up in some public place at the Royal Exchange in Dublin; and if the defendant do not appear within the time limited by such order, or within such further time as the court shall appoint, then, on proof made of such publication of such order as aforesaid, the court, being satisfied of the truth thereof, may order the plaintiff's bill to be taken pro confesso, and make such decree thereupon as shall be thought just, and may thereupon issue process to compel the performance of such decree, either by an immediate sequestration of the real and personal estate and effects of the party so absenting (if any such can be found), or such part thereof as may be sufficient to satisfy the demands of the plaintiff in the said suit, or by causing possession of the estate or effects demanded by the bill to be delivered to the plaintiff, or otherwise, as the nature of the case shall require; and the said court may likewise order such plaintiff to be paid and satisfied his demands out of the estate or effects so sequestered, according to the true intent and meaning of such decree, such plaintiff first giving sufficient security, in such sum as the court shall think proper, to abide such order touching the restitution of such estate or effects, as the court shall think proper to make concerning the same upon the defendant's appearance to defend such suit and paying such costs to the plaintiff as the court shall order; but in case such plaintiff shall refuse or neglect to give such security as aforesaid, then the said court shall order the estate or effects so sequestered, or whereof the possession shall be decreed to be delivered, to remain under the direction of the court, either by appointing a receiver thereof, or otherwise, as to such court shall seem meet, until the appearance of the defendant to defend such suit, and his paying such costs to the plaintiff as the said court shall think reasonable, or until such order shall be made therein as the court shall think just.

Persons in custody refusing to appear, &c. shall be served with a copy of the decree made on such refusal, &c.

III. PROVIDED always, and be it further enacted, that if any person, against whom any decree shall be made upon refusal or neglect to enter his appearance or appoint a clerk in court or attorney to act on his behalf, shall be in custody or forthcoming, so that he may be served with a copy of such decree, then he shall be served with a copy thereof before any process shall be taken out to compel the performance thereof.

Persons out of the realm affected by any such decree shall, if they return within 7 years, be served with a copy; or, in case of their death within that time, their heirs, &c. shall be so served.

IV. PROVIDED also, and be it further enacted, that if any decree shall be made in pursuance of this Act against any person being out of the realm or absconding in manner aforesaid at the time such decree is pronounced, and such person shall within seven years after the making such decree return or become publicly visible, then and in such case he shall likewise be served with a copy of such decree within a reasonable time after his return or public appearance shall be known to the plaintiff; and in case any defendant against whom such decree shall be made shall within seven years after the making such decree happen to die before his or her return into this realm or appearing openly as aforesaid, or shall within the time last before mentioned die in custody before his or her being served with a copy of such decree, then his or her heir, if such defendant shall have any real estate sequestered, or whereof possession shall have been delivered to the plaintiff, and such heir may be found, or if such heir shall be a feme covert, infant, or non compos mentis, the husband, guardian, or committee of such heir respectively, or if the per-

sonal estate of such defendant be sequestered, or possession thereof delivered to the plaintiff, then his executor or administrator (if any such there be), may and shall be served with a copy of such decree within a reasonable time after it shall be known to the plaintiff that the defendant is dead, and who is his heir, executor, or administrator, or where he may be served therewith.

V. PROVIDED always, and be it further enacted, that if any person so served with a copy of such decree shall not within six months after such service appear and petition to have the said cause reheard, such decree so made as aforesaid shall stand absolutely confirmed against the person so served with a copy thereof, his heirs, executors, and administrators, and all persons claiming or to claim by, from, or under him or any of them by virtue of any act done or to be done subsequent to the commencement of any suit.

If any person so served does not petition for a rehearing of the cause within 6 months, the decree shall be absolutely confirmed.

VI. PROVIDED always, and be it further enacted, that if any person so served with a copy of such decree shall within six months after such service, or if any person not being so served shall within seven years next after the making such decree, appear in court and petition to be heard with respect to the matter of such decree, and shall pay down or give security for payment of such costs as the court shall think reasonable in that behalf, the person so petitioning, or his representatives, or any person claiming under him by virtue of any act done before the commencement of the suit, may be admitted to answer the bill exhibited, and issue may be joined, and witnesses on both sides examined, and such other proceedings, decree, and execution may be had thereon, as there might have been in case the same party had originally appeared, and the proceedings had then been newly begun, or as if no former decree or proceedings had been in the same cause.

Persons who, if so served, within 6 months, and, if not served, within 7 years, petition to be heard, and give security for costs, may be admitted to answer, &c.

VII. PROVIDED always, and be it further enacted, that if any person against whom such decree shall be made, his heirs, executors, or administrators, shall not within seven years next after the making of such decree appear and petition to have the cause reheard, and pay down or give security for payment of such costs as the court shall think reasonable in that behalf, such decree made as aforesaid shall stand absolutely confirmed against the person against whom such decree shall be made, his heirs, executors, and administrators, and against all persons claiming or to claim by, from, or under him, or any of them, by virtue of any act done or to be done subsequent to the commencement of such suit; and at the end of such seven years it shall and may be lawful for the court to make such further order as shall be just and reasonable, according to the circumstances of the case.

If any person or his heirs, &c. does not petition for a rehearing within 7 years, the decree shall be absolutely confirmed.

VIII. PROVIDED always, and be it further enacted, that this Act shall not extend or be construed to extend to warrant or make good any proceeding against any person beyond the seas, unless it shall appear to the satisfaction of the court by affidavit or affidavits, before the making of such decree, that such person had been in Ireland within two years next before the subpoena in such suit issued against such person.

This Act not to affect persons beyond the seas, except in certain cases.

IX. AND whereas in many cases persons having privilege of Parliament are named as defendants in suits instituted in courts of equity against them, either alone or jointly with other persons, for enforcing against them demands and duties cognizable in courts of equity, and in some cases such defendants having privileges of Parliament have stood out to the return of process of sequestration issued against them for enforcing appearance, and such process



Appearances in courts of equity may be put in for defendants having privilege of Parliament, on return of process of sequestration.

of sequestration hath not been found sufficient to enforce such appearance: Be it therefore enacted, that from and after the passing of this Act, in case any defendant having privilege of Parliament shall, upon a return of process of sequestration issued against him for not putting in an appearance to any original or other bill of complaint instituted against him in a court of equity for enforcing discovery and relief, or discovery alone, (as the case may be,) neglect to appear, that then and in such case such court, upon producing the return of such sequestration in court, may, on the motion or other application of the plaintiff in such cause, appoint a clerk in court to enter an appearance for such defendant so having privilege of Parliament, and such proceedings may be thereupon had in the cause as if the party had actually appeared.

Where persons having privilege of Parliament neglect to answer any bill in equity, bill shall be taken pro confesso.

X. AND whereas in many cases it is necessary, on the part of the persons having legal rights against persons having privilege of Parliament, to proceed by bill in equity against such persons so having privilege of Parliament, to obtain from them discovery on oath of facts intended to be used or given in evidence in courts of law against the persons making such discovery; and in cases where such persons having such privilege as aforesaid shall stand out process of contempt, parties entitled to such discovery against them have not sufficient means of compelling or obtaining the same in all cases: Be it therefore enacted, that from and after the passing of this Act, when any defendant having privilege of Parliament shall have appeared to any bill filed against him seeking a discovery upon oath, or when an appearance shall have been entered for such defendant according to the provisions aforesaid, and such person shall refuse or neglect to put in his answer to such bill within the time for that purpose allowed by the rules and orders of such court, that then it shall and may be lawful for the plaintiff in such suit to apply to the court for an order that such bill shall be taken pro confesso against such defendant, and upon such application such court of equity shall make an order that such bill shall be taken pro confesso, unless the defendant shall within eight days after being served with such order show good cause to the contrary.

Such bill shall be read in evidence as an answer admitting the facts.

XI. AND be it further enacted, that when and so soon as any such order shall have been pronounced by any such court of equity for taking such bill pro confesso, such bill in equity, or an examined copy thereof, so taken pro confesso, shall be taken and read in any court of law or equity as evidence of the facts and matters and things therein contained, in the same manner as if such facts, matters, and things had been admitted to be true by the answer of the defendant put in to such bill; and such bill so taken pro confesso shall be received and taken in evidence of such and the same facts, and on behalf of such and so many persons, as the answer of the defendant to the said bill could and might have been read and received in evidence of, in case such answer had been put in by the defendant thereto, and had admitted the same facts, matters, and circumstances, as in such bill stated and set forth; and in like manner every other bill of discovery taken pro confesso, under any of the provisions of this Act, shall or may be taken and read as evidence of the facts and matters and things therein contained, to the extent aforesaid.

Rules of the Court of Chancery as to process of con-

XII. AND for remedying the practice of courts of equity in regard to process of contempt and the taking of bills pro confesso, be it further enacted, that the rules and regulations herein-after provided and contained shall be adopted by the High Court of Chancery in Ireland, and shall from henceforth become

orders and rules of the said Court of Chancery, and be observed and enforced in and by the said court; (that is to say,) tempt and taking bills pro confesso.

1. That where a defendant is confined for a misdemeanor, and has been brought before the court upon an habeas corpus, and thereupon has been turned over to the said marshalsea, pro formâ, but has been carried back to the prison from whence he came with his cause, another writ of habeas corpus may issue, directed to the gaoler or keeper of the prison to which he has been carried back; and thereupon the defendant shall be brought into court, and remanded to the prison from whence he came, with his cause, without being turned over again to the said marshalsea, and the bill may be taken pro confesso in the same manner in all respects as if the defendant had been all along in the custody of the marshal of the said marshalsea.
2. That if the defendant, under process of contempt for not appearing or not answering, be in actual custody, and shall not have been sooner brought to the bar of the court under process to answer his contempt, the plaintiff, if the contempt be not sooner cleared, shall bring the defendant by an habeas corpus to the bar of the court within thirty days from the time of his being actually in custody, or detained (being already in custody) upon process of contempt, and if the last day of such thirty days shall happen out of term, then within the four first days of the ensuing term; and where the defendant is in custody of the serjeant at arms or of the messenger upon an attachment or other process the plaintiff shall, within ten days after his being taken into such custody, or, if the last of such ten days shall happen out of term, then within the first four days of the next ensuing term, cause the defendant to be brought to the bar of the court; and in case any such defendant shall not be brought to the bar of the court within the respective times aforesaid the sheriff, gaoler or keeper, serjeant at arms or messenger, in whose custody he shall be, shall thereupon discharge him out of custody without payment by him of the costs of contempt, which shall be payable by the party on whose behalf the process issued;
3. That if a defendant, upon being brought before the court upon an habeas corpus, shall make oath (which shall be administered to him by the registrar, and he shall be examined in open court,) that he is unable by reason of poverty to employ a solicitor to put in his answer, the court shall thereupon refer it to a master in rotation to inquire into the truth of that allegation, and to report thereon to the court forthwith; and thereupon the court may make such order as upon other reports of the like nature under the provisions herein-after contained.
4. That on the thirtieth day of January, the thirtieth day of April, the thirtieth day of July, and the thirtieth day of October in every year, or if any of those days happen on a Sunday, then on the following day, one of the masters of the Court of Chancery, to be named by the court, shall visit the said marshalsea prison, and examine the prisoners confined there for contempt, and shall report his opinion on their respective cases to the court; and thereupon it shall be lawful for the court to order, if it shall see fit, that the costs of the contempt of any such

prisoner shall be paid out of the interest and dividends arising from the several government or parliamentary securities standing in the name of the accountant general of the said Court of Chancery, intituled "Account of monies placed out for the benefit and better security of the suitors of the High Court of Chancery," and "Account of securities purchased with surplus interest arising from securities carried to an account of monies placed out for the benefit and better security of the suitors of the High Court of Chancery," or out of any cash standing to either of such accounts, or to any other account which is now or hereafter may be standing to the credit of the suitors of the said Court of Chancery, (after and subject to the payment of all charges which by any Act heretofore passed are directed to be paid thereout,) and to assign a solicitor and counsel to such prisoner, for putting in his answer and defending him in formâ pauperis, and to direct any such prisoner, having previously done such acts as the court shall direct, to be discharged out of custody; provided that if any such defendant shall become entitled to any funds out of such cause, the same shall be applied, under the direction of said court, in the first instance, to the reimbursement of the suitors fund.

5. That it shall be lawful for the master visiting the said marshalsea, or to whom the case of a prisoner shall be referred by the court itself, to examine the prisoner and all other persons whom he may think it proper to examine upon oath, and to administer an oath or oaths to any such prisoner and other persons accordingly, and to cause any officers, clerks, and ministers of any court of law or equity to bring and produce upon oath before him any records, orders, books, papers, or other writings belonging to the said courts, or to any officers within the same as such officers.
6. That if it shall appear to the satisfaction of the court that any such prisoner is an idiot, lunatic, or of unsound mind, although no commission has issued, the court shall appoint a guardian to put in his answer, and discharge the defendant, providing for the costs in any of the ways pointed out by this Act, as shall seem just; and if the court shall see fit, the defence may be made by such guardian in formâ pauperis.
7. That where the defendant has been brought to the bar of the court for his contempt in not answering, and refuses or neglects to answer, (not being idiot, lunatic, or of unsound mind,) the court may, upon motion or petition, of which due notice shall be given personally to the defendant, authorize the plaintiff to amend his bill, without such amendment operating as a discharge of the contempt, or rendering it necessary to proceed with the process of contempt de novo; but after such amendment the plaintiff may proceed to take the amended bill pro confesso, in the same manner as if it had not been amended: Provided nevertheless, that if the defendant shall be desirous to answer such amended bill, the court shall allow him such time as shall seem just for that purpose; but if he shall not within the time allowed by the court put in a sufficient answer to the amended bill, the process for taking the bill pro confesso may be resumed and carried on.

8. That in every case where the defendant has been brought to the bar of the court to answer his contempt for not answering, and shall refuse or neglect to answer within the next twenty-one days, the plaintiff shall be at liberty, with the leave of the court, upon ten days previous notice to the defendant, after the expiration of such twenty-one days, unless good cause be shown to the contrary, instead of proceeding to have the bill taken pro confesso, to put in such an answer to the bill as herein-after is mentioned, in the name of the defendant, without oath or signature; and thereupon the suit shall proceed in the same manner as if such answer were really the answer of the defendant, with which the plaintiff was satisfied, and the costs of the contempt and of putting in such answer may be provided for in like manner as if the defendant himself had put in such answer; and such answer, besides the formal parts thereof, shall be to the following effect; that the defendant leaves the plaintiff to make such proofs of the several matters in the bill alleged as he shall be able or be advised, and submits his interests to the court.
9. That in any case where, upon the application of the plaintiff, the court shall be satisfied that justice cannot be done to the plaintiff without an answer to the bill or to the interrogatories from the defendant himself, it shall be lawful for the court to order the defendant to remain in custody until answer or further order, but without prejudice to the plaintiff's availing himself of any of the provisions of this Act.
10. That where the defendant is in contempt for not appearing or not answering, and in actual custody under process for such contempt, or being already in custody shall be detained by an attachment for such contempt, and shall not, where the contempt is for not appearing, enter an appearance within twenty-one days after he is lodged in gaol or prison, or the attachment is lodged against him (he being already in prison), as the case may be, or, where the contempt is for not answering, put in an answer within two calendar months after he is lodged in gaol or prison, or the attachment is lodged against him, he being already in prison, the plaintiff shall (as the case may be), within fourteen days after the period computed from the expiration of such twenty-one days within which he may by the provisions of this Act be able to enter such appearance, cause an appearance to be entered for the defendant under the powers of this Act, and shall at the expiration of such two calendar months proceed to take the bill pro confesso, and shall accordingly obtain an order for taking the same pro confesso within six weeks after the period computed from the expiration of such two calendar months within which he may be able to take the same pro confesso; or in default of so doing in either of such cases the defendant shall, upon application to the court, be entitled to be discharged out of custody without paying any of the costs of the contempt, unless the court shall, under the power herein-before contained, see good cause to remand and detain the defendant in custody;
- . . . . .
11. That where a defendant is in custody for a contempt in not answering, and shall be able to put in his answer without taking an office copy

of the bill, he shall not be compellable to take any such copy, but the proper officer may (if he think the defendant is of sufficient ability to pay for an office copy, and an office copy ought by the practice of the court to be taken out,) require him, before the answer is filed, to make an affidavit denying his ability in consequence of poverty to pay for an office copy of the bill.

12. That when any person shall have been directed by any decree or order to execute any deed or other instrument, or make a surrender or transfer, and shall have refused or neglected to execute such deed or instrument, or to make such surrender or transfer, and shall have been committed to prison under process for such contempt, or, being confined in prison for any other cause, shall have been charged with or detained under process for such contempt, and shall remain in such prison, and the court shall, under the powers of an Act passed in the fourth and fifth years of his present Majesty's reign, have ordered one of the masters to execute any deed or other instrument, surrender or transfer, for and in the name of such person, in every such case, within ten days after the execution or making of any such deed or other instrument or surrender or transfer, notice thereof shall be given by the adverse solicitor to the party in whose name the same is executed or made; and such party, as soon as the deed or other instrument or surrender or transfer shall be executed, made, levied, or suffered, shall be considered as having cleared his contempt, except as far as regards the payment of the costs of the contempt, and shall be entitled to be discharged therefrom under any of the provisions of this Act applicable to his case; and the court shall make such order as shall be just touching the payment of the costs of or attending any such deed, surrender, instrument, or transfer.
13. That where a person shall be committed for a contempt in not delivering to any person or persons, or depositing in court or elsewhere, as by any order may be directed, books, papers, or any other articles or things, any sequestrator or sequestrators appointed under any commission of sequestration shall have the same power to seize and take such books, papers, writings, or other articles or things, being in the custody or power of the person against whom the sequestration issues, as they would have over his own property; and thereupon such articles or things so seized and taken shall be dealt with by the court as shall be just; and after such seizure it shall be lawful for the court, upon the application of the prisoner or of any other person in the cause or matter, or upon any report to be made in pursuance of this Act, to make such order for the discharge of the prisoner, upon such terms and, if it shall see fit, making any costs to be costs in the cause, as to the court shall seem proper.
14. That in all cases of contempt, other than and besides those already provided for, where any person or persons is or are or shall at any time hereafter be in prison under or by reason of any commitment or attachment, the court may, upon any such application as last aforesaid, or upon any such report as aforesaid, make such order for the discharge of the prisoner from the contempt, upon any such terms, and making,

if the court shall see fit, any costs to be costs in the cause, as to the court shall seem proper, or except as to the costs, for which costs the prisoner shall remain in custody, but entitled to the provisions herein-after contained if he be insolvent.

15. That wherever the court shall, upon any such report as aforesaid, or upon investigation of the case of a prisoner by the court itself, be of opinion that the purposes of justice will not be answered by his remaining any longer in custody, or where it shall appear upon any such report as aforesaid that any person committed for a contempt shall be entitled to his discharge upon applying to the court, but shall omit to make such application, the court may, either with his assent or compulsorily, discharge such person from the contempt and from custody, and pay the costs of the contempt out of any funds belonging to him over which the court may have power, or make them costs in the cause as against him, or may discharge him from the contempt, but leave him in custody for the costs, which may be cleared, if he be insolvent, under the provisions herein-after contained in that behalf.
16. That where any party obstinately retains possession of lands or other real property after a writ of execution of a decree or an order for delivery of possession has been duly served, and demand of possession made, and upon an affidavit of such service of the writ of execution, and of such demand made thereunder, and a refusal to comply therewith on the part of the person against whom the writ issued, the party issuing it shall be at liberty, upon an affidavit of service of the writ of execution, and demand of possession, and refusal, to obtain the usual order of course for the writ of assistance to issue; and that the intermediate writs of attachment and injunction, further commanding the party to deliver possession, or any other writ, shall be unnecessary.
17. That in order to relieve persons in prison from the expence of taking affidavits or answers, the lord high chancellor do, by one or more commission or commissions under the great seal, upon or in respect of which no fee shall be payable, nominate and appoint the marshal, keeper, or other chief officer of every prison within the city of Dublin, or within two miles thereof, and their deputies, to be masters extraordinary of the High Court of Chancery, for the purpose of taking and receiving such affidavits and answers as any person or persons within any such prison shall be willing or desirous to make, and for no other purpose; and the person so taking such affidavit or answer shall not in respect thereof be entitled to receive any fee; and the Court of Exchequer shall in like manner appoint such persons as aforesaid a commissioner or commissioners of the said court for the purposes aforesaid, and no others, and without the right to any fee; and in every case of an answer being sworn in prison a clerk of the deputy keeper of the rolls or of the filazer of the Exchequer (as the case may require) shall attend to take and carry back to and from the prison the answer, and shall in respect thereof be entitled to

XIII. AND be it enacted, that the discharge of any prisoner adjudicated upon under the authority of any Act now in force for the relief of insolvent debtors in Ireland, or any Act which may hereafter be passed for the relief of

Discharges  
under Insolvent  
Debtors Acts  
shall extend to

process of  
courts of equity  
for contempt in  
nonpayment of  
rent or money,  
or of costs, &c.

insolvent debtors, shall and may extend to all process issuing from any court of equity for any contempt of such court for nonpayment of rent or money, or of costs, charges, or expences in any such court, including the costs of any commitment or attachment from which the party shall have been discharged so far as regards the contempt, but shall have been left liable to the costs; and that in such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay in consequence or by reason of such contempt, or on purging the same; and that every discharge so adjudicated as aforesaid as to any debt or damages of any creditor of such prisoner shall be deemed to extend also to all costs incurred by such creditor, before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoner for the purpose, for the recovery of the same; and that all persons as to whose demands for any such costs, money, or expences any such person shall be so adjudged to be discharged, shall be deemed and taken to be creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said Act or any future Act, subject nevertheless to such ascertaining of the amount of the said demands as may be had by taxation or otherwise, and to such examination thereof as is in the said last-mentioned Act or as shall be in any future Act provided in respect of all claim to a dividend of such insolvent's estate and effects.

Discharge of  
insolvent, ex-  
cept as to costs,  
where process  
of contempt is  
for nonper-  
formance of an  
act, &c.

XIV. AND be it further enacted, that where the process of contempt is for the nonperformance of an act, for example, the not answering a plaintiff's bill, and the bill in equity to which the insolvent is a party is taken pro confesso, and he has not paid the costs of the contempt, or the insolvent has fully answered the plaintiff's bill or interrogatories, or otherwise cleared his contempt except as far as regards the payment of the costs, or it has become in event unnecessary for him to do the act for the nonperformance of which he was committed or attached, the court of equity in which the suit is depending shall, upon the application of the party in contempt, discharge him from the same, except as to the costs thereof, for which he shall remain in custody; and such costs shall be deemed within the provision lastly hereinbefore contained, and he shall be dischargeable therefrom, and from the process of contempt, in like manner as if the process of contempt were for nonpayment of money or costs; provided that this order or regulation shall not weaken any of the other powers by this Act given, nor shall anything herein contained lessen the operation of the said Act for the relief of insolvent debtors.

Powers given  
by this Act to  
the Court of  
Chancery and  
lord chancellor  
shall extend to  
the lord keeper,  
&c. and master  
of the rolls, save  
as to reports of  
the marshal,  
&c.

XV. AND be it further enacted, that the powers and authorities given by this Act to the Court of Chancery, or to the lord chancellor of Ireland, shall and may be exercised as well by such lord chancellor as by (and they are hereby given to) the lord keeper or commissioners of the great seal of Ireland for the time being, and to the master of the rolls; but the reports of the marshal of the marshalsea, and of the masters visiting there, shall be made to the lord chancellor, lord keeper, or lords commissioners only, who alone are to make orders thereupon for discharge or relief of prisoners.

Foregoing  
rules to be  
adopted by the  
Court of  
Exchequer.

XVI. AND be it further enacted, that the rules hereinbefore directed to be adopted by the Court of Chancery shall be adopted by the Court of Exchequer, which court shall, for the purposes of this Act, draw upon the suitors fund of that court.

XVII. AND be it further enacted, that the powers and authorities contained in such last-mentioned rules, and given by this Act to the lord chancellor, shall and may be exercised in like manner by and are hereby given to his Majesty's Court of Exchequer, and may be exercised by the said court, or by the lord chief baron thereof; but such periodical visits only to be made to the said marshalsea, in regard to prisoners for contempt of the said court, as the lord chief baron shall direct, and by such officer or officers of the court as he shall nominate.

Powers contained in such rules shall be exercised by the Court of Exchequer.

XVIII. AND be it further enacted, that wherever this Act, in describing or referring to any person, or any conveyance, transfer, matter, or thing, uses the word importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several conveyances, transfers, matters, or things respectively, as well as one conveyance, transfer, matter, or thing respectively, unless there be something in the subject or context repugnant to such construction.

Interpretation of Act.

XIX. PROVIDED always, that nothing in this Act contained shall annul or vary the provisions of an Act of the seventh year of George the Second, relating to Ireland, intituled "An Act for the relief of mortgagees, and for making the process in courts of equity more effectual against mortgagors who abscond and cannot be served therewith, and against persons who being served refuse to appear, and also for better regulating the payment of the fees of attornies and solicitors"; or of an Act of the second year of his present Majesty, intituled "An Act to effectuate the service of process issuing from the Courts of Chancery and Exchequer in England and Ireland respectively"; or of an Act of the fourth and fifth of his present Majesty, intituled "An Act to amend and extend an Act of the second year of his present Majesty, to effectuate the service of process issuing from the Courts of Chancery and Exchequer in England and Ireland"; or of an Act of the fourth and fifth years of his present Majesty, intituled "An Act for the amendment of the proceedings and practice of the High Court of Chancery in Ireland"; or any of them, except so far as they are inconsistent with any of the provisions of this Act.

Saving as to provisions of Irish Act, 7 Geo. 2. c. 14.

2 & 3 Will. 4. c. 38.

4 & 5 Will. 4. c. 82.

4 & 5 Will. 4. c. 78.

## CHAPTER XVII.

AN ACT to extend to Ireland certain Provisions of an Act made and passed in the first Year of his present Majesty's Reign, intituled "An Act for consolidating and amending the Laws relating to Property belonging to Infants, Females Covert, Lunatics, and Persons of unsound Mind. &c.]

[30th July 1835.]

WHEREAS by an Act passed in the Parliament of Ireland in the eleventh year of the reign of Queen Anne, intituled "An Act to enable guardians

Irish Act, 11 Ann. c. 3.

[\* By 34 & 35 Vict. c. 22. s. 118., it is enacted as follows:—

"The several Acts of Parliament mentioned in the first schedule hereto shall be and the same are hereby repealed to the extent specified concerning the same Acts respectively in the third column of the said schedule."

This Act is mentioned in the schedule, but the extent to which it is repealed is not specified in the third column.]



11 Geo. 4. &  
1 Will. 4. c. 65.  
s. 22.

Sect. 16.

Sect. 19.

" and others to renew leases for lives," certain provisions were made in that behalf: And whereas by an Act passed in the first year of the reign of his present Majesty, intituled " An Act for consolidating and amending the laws relating to property belonging to infants, femes covert, idiots, lunatics, and persons of unsound mind," after reciting the said Act, and that it was expedient that the provisions thereof, which had been so long in force in Ireland, should remain unaltered, it was enacted, that the clauses and provisions contained in the said therein recited Act should be and continue in force in the same manner, to all intents and purposes, as if the said clauses and provisions and every part thereof had been repeated and re-enacted in the said Act, and that none of the other provisions in the said Act contained for authorizing any surrenders to be accepted, or any new lease to be made or executed, for or on behalf of any person who, in pursuance of any covenant or agreement for renewal in any lease contained or to be contained, ought to make such new lease or leases, should extend or be construed to extend to lands in Ireland: And whereas the said Act of the eleventh year of the reign of Queen Anne does not contain any provision for the renewal of leases for terms of years: And whereas by the said Act of the first year of his present Majesty's reign it is enacted, that where any person being under the age of twenty-one years, or a feme covert, might, in pursuance of any covenant or agreement, if not under disability, be compelled to renew any lease made or to be made for the life or lives of one or more person or persons, or for any term or number of years absolute or determinable on the death of one or more person or persons, it shall be lawful to and for such infant, or his guardian in the name of such infant, or such feme covert, by the direction of the Court of Chancery, to be signified by an order to be made in a summary way upon petition of such infant or his guardian, or of such feme covert, or of any person entitled to such renewal, from time to time to accept of a surrender of such lease, and to make and execute a new lease of the premises comprised in such lease for and during such number of lives, or for such term or terms determinable upon such number of lives, or for such term of years absolute, as was or were mentioned in the lease so surrendered at the making thereof, or otherwise as the court by such order shall direct: And whereas by the said Act it is further enacted, that where any person, being lunatic, is or shall be entitled or has a right, or, in pursuance of any covenant or agreement, might, if not under disability, be compelled to renew any lease made or to be made for the life or lives of one or more person or persons, or for any term or number of years absolute or determinable on the death of one or more person or persons or otherwise, it shall be lawful to and for the committee of the estate of such lunatic, in the name of such lunatic, by the direction of the lord chancellor intrusted as therein stated, to be signified by an order to be made in a summary way upon the petition of such committee or of any person entitled to such renewal, from time to time to accept of a surrender of such lease, and to make and execute to any person a new lease of the premises comprised in such lease to be surrendered by virtue of the said Act, for and during such number of lives, or for such term or terms of years determinable upon such number of lives, or for such term or terms absolute, as were mentioned or contained in such lease so surrendered at the making thereof, or otherwise, as the lord chancellor, intrusted as aforesaid, by such order shall direct: And whereas it

is deemed expedient that the powers of the Courts of Chancery and Exchequer in Ireland over land in Ireland should in the respects aforesaid be as large as the powers by the before-mentioned Act given to the Courts of Chancery and Exchequer in England over lands there: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said recited Act of the eleventh year of the reign of Queen Anne, and so much of the said Act of the first year of the reign of his present Majesty as re-enacts the provisions in the said last-mentioned Act contained, shall be and the same are hereby repealed, . . . . . [Rep., Stat. Law Rev. Act, 1874.]

Repeal of Irish Act, 11 Ann. c. 3., &c.

[II\*.] AND be it further enacted, that the several clauses and enactments in the said Act of the first year of the reign of his present Majesty contained, and herein-before particularly recited, relating to England, shall be deemed and construed to extend and the same are hereby extended to Ireland, and the powers and authorities thereby given shall and may henceforth be exercised by the Courts of Chancery and Exchequer in Ireland, in relation to land there, as fully and effectually as the same can be exercised by the Courts of Chancery and Exchequer in England with respect to land in England, and in the same manner in all respects as if the same clauses and enactments had by the said Act of the first year of the reign of his present Majesty been extended to Ireland; and the word "land" shall in this Act have the same signification as by the said recited Act is given to it.

Clauses, &c. of 11 Geo. 4. & 1 Will. 4. c. 65. herein-before particularly recited, shall extend to Ireland.

## CHAPTER XVIII.

AN ACT to exempt Carriages carrying Manure from Toll. [30th July 1835.]

**W**HEREAS disputes have arisen as to the exemption from toll for horses and carriages when employed in carrying or conveying manure for improving lands: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of January one thousand eight hundred and thirty-six no toll shall be demanded or taken on any turnpike road for or in respect of any horse, beast, cattle, or carriage, when employed in carrying or conveying only dung, soil, compost, or manure for land (save and except lime), and the necessary implements used for filling the manure, and the cloth that may have been used in covering any hay, clover, or straw which may have been conveyed.

No toll to be taken for horses, &c. carrying manure, except lime.

II. PROVIDED always, and be it enacted, that nothing herein contained shall extend or be construed to extend so as to exempt any waggon, cart, or other carriage laden with dung or manure for manuring land, or any horse or other beast drawing the same, from any toll imposed in respect thereof by virtue of any local Act or Acts now passed, whereby such toll has been imposed for the maintenance of the roads therein respectively mentioned.

Nothing herein to exempt from tolls imposed by any local Act.

IV. AND be it further enacted, that nothing in this Act contained shall extend to Scotland or Ireland.

Extent of Act.

[\* So much of section 2 as relates to or affects idiots, lunatics, or persons of unsound mind, or their property, rep., Stat. Law Rev. Act, 1874.]

## CHAPTER XX.

AN ACT to consolidate certain Offices in the Collection of the Revenues of Stamps and Taxes, and to amend the Laws relating thereto.

[30th July 1835.]

4 & 5 Will. 4.  
c. 60.

Offices of receiver general of stamp duties and receiver general of land and assessed taxes consolidated into one office.

Offices of accountant and comptroller general of stamp duties and comptroller of land and assessed taxes consolidated into one office.

Powers and authorities given by former Acts to vest in receiver general of stamps and taxes and accountant and comptroller general of stamps and taxes respectively.

**W**HEREAS under and by virtue of an Act passed in the last session of Parliament, intituled "An Act to amend the laws relating to the land and assessed taxes, and to consolidate the boards of stamps and taxes," the several duties, matters, and things theretofore under the care and management of the commissioners of stamps and of the commissioners for the affairs of taxes respectively were placed under the care and management of one consolidated board of commissioners called "The Commissioners of Stamps and Taxes": And whereas it is expedient that the receiver general of stamp duties in England should become and be also the receiver general of land and assessed taxes, and that the said two several offices should be consolidated into one office, and the duties thereof be regulated in the manner herein-after mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act the person in whom the office of receiver general of stamp duties in England shall be then vested shall, without any further or other authority than this Act, become and be also the receiver general of land and assessed taxes, and the said two several offices of receiver general of stamp duties and receiver general of land and assessed taxes shall be and the same are hereby consolidated into one office; and such receiver general, as well as every other person who shall be at any time hereafter appointed to the said consolidated office, shall be termed "The Receiver General of Stamps and Taxes." [Rep., Stat. Law Rev. Act, 1874.]

**II.** AND whereas it is expedient that the two several offices of accountant and comptroller general of stamp duties and comptroller of accounts of land and assessed taxes in England should also be consolidated into one office: Be it enacted, that from and after the commencement of this Act the said two last-mentioned offices shall be and the same are hereby consolidated into one office; and such consolidated office shall, without any further or other authority than this Act, vest in the person in whom at the time of the commencement of this Act the said office of accountant and comptroller general of stamp duties shall or may be vested; and such person, as well as every other person who shall be at any time hereafter appointed to the said last-mentioned consolidated office, shall be termed "The Accountant and Comptroller General of Stamps and Taxes." [Rep., Stat. Law Rev. Act, 1874.]

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**IV.** AND be it enacted, that the said receiver general of stamps and taxes shall have, use, and exercise all such powers and authorities as are now given to or vested in the receiver general of stamp duties in England under or by virtue of any Act or Acts in force at the time of the passing of this Act, or otherwise howsoever; and the said accountant and comptroller general of stamps and taxes shall have, use, and exercise all such powers and authorities as are now given to or vested in the accountant and comptroller general of stamp duties under or by virtue of any such Act or Acts as aforesaid, or otherwise howsoever; and all such powers and authorities shall be and are hereby given to and vested in the said receiver general of stamps and taxes and the said accountant and comptroller general of stamps and taxes respectively, as fully and effectually, to all intents and purposes, as if such powers and authorities, and all clauses, regulations, provisions, penalties, and forfeitures relating

thereto respectively, were severally repeated and re-enacted in this Act and made part thereof.

V. AND be it enacted, that all stamp duties, and all monies from time to time collected or received for the land tax, or payable for the sale and redemption thereof, and all the rates and duties of assessed taxes, and all compositions for assessed taxes, and all other duties and sums of money whatsoever, now or at any time hereafter under the care or management of the commissioners of stamps and taxes, and which shall be collected or received in any part of Great Britain, shall from time to time be paid or remitted by the several distributors of stamps and receiving inspectors of taxes, and other receivers of the said duties and monies respectively, or by the several remitters thereof, to the said last-mentioned commissioners, or to the said receiver general of stamps and taxes, at such times, in such manner, and under such rules and regulations as the said commissioners of stamps and taxes shall from time to time direct or appoint; and all monies, drafts, bills, notes, or other orders or securities for the payment of money which shall from time to time be received by the said receiver general for or on account of any of the duties, rates, and taxes aforesaid, or any of them, or otherwise, for the use of his Majesty, (except only so much thereof as the said receiver general shall be authorized by the commissioners of stamps and taxes, under the sanction of the commissioners of his Majesty's Treasury, to retain for the public service,) shall be paid by the said receiver general into the Bank of England, and shall be transferred to the credit of his Majesty's Exchequer, in such manner, at such times, and under such rules and regulations, as the commissioners of stamps and taxes, under the authority of the said commissioners of his Majesty's Treasury, shall from time to time direct or appoint; anything in any former Act or Acts to the contrary thereof in anywise notwithstanding.

All stamp duties and monies arising from the land and assessed taxes to be paid or remitted to the commissioners or the receiver general of stamps and taxes.

Monies, &c. received by the receiver general of stamps and taxes to be paid by him into the Bank of England to the credit of the Exchequer.

VI. AND be it enacted, that from and after the commencement of this Act the office of receiver general of the land and assessed taxes for the district or circuit of receipt called "The London Receipt" shall cease and be abolished; and the several collectors of the land and assessed taxes within the said district or circuit shall, with the privity and under the superintendence and direction of the inspector of taxes for the metropolitan district, or such other person as the commissioners of his Majesty's Treasury for the time being may nominate or appoint for that purpose, pay all the duties and sums of money from time to time collected or received by them respectively to the said receiver general of stamps and taxes at the head office, or at such place or places as the commissioners of stamps and taxes shall from time to time appoint, and under and subject to such rules and regulations as may be from time to time directed or appointed by the said last-mentioned commissioners in that behalf; and every such collector is hereby strictly enjoined and required, under the penalty imposed on collectors for neglect of duty by the several Acts in force, to attend at the said head office, or at such other place or places as shall be appointed in manner aforesaid, and to make his payments to the said receiver general of stamps and taxes accordingly: Provided always, that it shall be lawful for the commissioners of his Majesty's Treasury, if they shall think fit, to annex any part or parts of the said district or circuit of receipt called "The London Receipt" to any adjoining district or districts of receipt, as to the said last-mentioned commissioners may appear to be necessary or expedient;

Office of receiver general for the London district abolished; and collectors of that district to make their payments to the receiver general of stamps and taxes at the head office.

Treasury may annex any part of the London district to any adjoining district.

and from thenceforth the collector or collectors of the part or parts so annexed to any adjoining district or districts as aforesaid shall pay the duties and sums of money collected or received by him or them to the receiving inspector or other receiver for the time being appointed to such adjoining district or districts.

Inspector of taxes for the metropolitan district to have the same powers within the London district as receiving inspectors within their districts.

VII. AND be it enacted, that the inspector of taxes for the metropolitan district for the time being, or such other person as shall be nominated or appointed as aforesaid for the purpose of superintending and directing the payment of the taxes to the receiver general of stamps and taxes by the several collectors of the said district or circuit called "The London Receipt," shall have, use, and exercise all such powers and authorities, and perform all such duties (save and except the actual receipt of money), within or for the said district or circuit of receipt, with relation to the taxes arising or collected within the same, as are now given to or vested in or performed by the several receiving inspectors of taxes within or for their respective districts by or under any Act or Acts in force at the time of the passing of this Act; and the certificate of the said inspector of taxes for the metropolitan district, or of such other person as aforesaid, to the barons of the Court of Exchequer, of any failure, neglect, or omission in the assessing, charging, raising, or accounting for any of the said taxes within the said district, or of any schedule of defaulters in the payment thereof, shall be as valid and have the same force and effect, as any similar certificate heretofore made by any receiver general, or now made by any receiving inspector within their respective districts, under or in pursuance of the several statutes in that behalf.

Receiver general annually to render accounts of monies received to the commissioners for auditing the public accounts.

VIII. AND be it enacted, that the said receiver general of stamps and taxes shall keep accounts of all monies which shall be received by him, arising from stamp duties, and from the land tax, and the sale and redemption thereof, and also from the duties of assessed taxes, or compositions for assessed taxes, and of all other monies whatsoever which he shall receive for the use of his Majesty, his heirs or successors, and shall annually render such accounts to the commissioners for auditing the public accounts; and every such account shall be made up to the fifth day of January in every year, or to such other period in every year as the commissioners of his Majesty's Treasury shall appoint; and every such account shall be delivered to the said commissioners for auditing the public accounts within such time as the commissioners of the Treasury shall limit or appoint in that behalf.

Accountant and comptroller general to pass an account annually before the commissioners for auditing the public accounts.

IX. AND be it enacted, that the said accountant and comptroller general of stamps and taxes shall annually pass before the commissioners for auditing the public accounts a general account of all the several duties, revenues, and monies which now are or from time to time may be under the care or management of the commissioners of stamps and taxes; and every such general account as aforesaid shall be made up to the fifth day of January in every year, or to such other period in every year as the commissioners of his Majesty's Treasury shall direct, and shall be delivered by the said accountant and comptroller general to the said commissioners for auditing the public accounts within such time as shall be limited by the said commissioners of his Majesty's Treasury for that purpose; . . . . .

Receiving inspectors or other receivers

X. AND be it enacted, that from and after the commencement of this Act the several receiving inspectors or other receivers of the land and assessed

taxes in any part of Great Britain shall severally render their respective accounts to the commissioners of stamps and taxes, under such orders, rules, and regulations as the said commissioners shall make and appoint in that behalf; and all such accounts shall be examined, audited, and comptrolled by the accountant and comptroller general of stamps and taxes, and shall be deposited and remain in the head office of the said commissioners; and so much and such part and parts of any Act or Acts now in force as require the accounts of the said receiving inspectors or other receivers of the land and assessed taxes in England to be rendered to the auditor or auditors of the land revenue or the commissioners for auditing the public accounts, or to be passed or made up for declaration in the office of the said auditor or auditors or of the said last-mentioned commissioners, or to be declared before a baron of his Majesty's Court of Exchequer, or to be transmitted to or enrolled in the office of His Majesty's remembrancer of the said court, and also so much and such part and parts of any Act or Acts in force as require the accounts of the said receivers in Scotland to be taken and made up by the auditor of the Court of Exchequer in Scotland, or to be sworn, allowed, or declared before the said last-mentioned court, or before the chief or other baron of the said court, or to be examined, entered, or enrolled in any of the offices of the said court, shall be and the same are hereby severally repealed [Rep., Stat. Law Rev. Act, 1874.] : . . . . .

of taxes to render their accounts to the commissioners of stamps and taxes.

So much of any Act as requires the accounts of receivers to be passed before the auditors of the land revenue in England, &c. or the auditor of the court of Exchequer in Scotland, &c., repealed.

XI. AND be it enacted, that so much of any Act or Acts as prohibits the setting insuper or charging any county, division, parish, ward, or place, or any person or persons, unless the account of the receiver shall be declared and passed in the Exchequer within two years after the end of the year for which the rates or duties shall be payable, shall be and the same is hereby repealed; and that in any case, in which by any Act or Acts now in force the receiver general, receiving inspector, or other receiver of the land or assessed taxes in England is directed or authorized to set insuper or charge any county, division, parish, ward, or place, or any person or persons, for any sum or sums of money in arrear or unpaid, it shall be lawful for the commissioners of stamps and taxes from time to time, whenever they shall deem it expedient for the public service so to do, and although the period so limited by any such Act or Acts as aforesaid may have expired, to transmit to his Majesty's remembrancer of the Court of Exchequer a certificate of all or any such sum or sums which may be now in arrear or which at any time hereafter may become in arrear and be unpaid; and every such certificate shall be signed by two or more of the said commissioners, and shall contain the name or names of every or any such county, division, parish, ward, or place, and of such person or persons as aforesaid, and the total amount of the sum or sums in arrear or unpaid, and with which such county, division, parish, ward, or place, or such person or persons, is or are chargeable, and shall specify whether the same shall be due or owing in respect of the land tax or of the assessed taxes, and, where there shall be arrears of both the said duties, distinguishing the amount due or owing in respect of each; and the said remembrancer, upon the receipt of any such certificate, shall cause the same to be enrolled in his office; and such enrolment shall be and be deemed a record in his office as valid and effectual to authorize the issuing of any process or processes in the law against the county, division, parish, ward, or place, and the person or persons, so rendered chargeable, and to and for all other intents, constructions, and purposes whatsoever, as if such county, division, parish, ward, or place, or person or persons, had been actually returned insuper in any declared account duly enrolled as of record in the office of the said remembrancer.

In cases where any county, &c. or person may be returned insuper for arrear of land or assessed taxes, the commissioners of stamps and taxes may transmit a certificate thereof to the King's remembrancer, which shall be enrolled in his office, and be the ground for process.

Existing bonds and securities not to be affected by this Act.

References to former officers shall apply to new officers.

Recital of 43 Geo. 3. c. 99. s. 45.

Parchment schedules under recited Act shall be deposited with the commissioners of stamps and taxes.

XII. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to release, discharge, invalidate, or affect any bond or security heretofore entered into or given to his Majesty, or to the commissioners of stamps, or the commissioners for the affairs of taxes, or the commissioners of stamps and taxes, or to any officer or person in their respective employ, by any person or persons whatsoever, either as principal or surety, for securing the due accounting for or payment of any duties or monies under the care or management of any such commissioners as aforesaid, or for the good conduct of any officer, clerk, or other person, or for any other purpose whatsoever relating to the said duties or monies, or any of them respectively, and that [Rep., Stat. Law Rev. Act, 1874.] wheresoever, in any such bond or security as aforesaid, or in the condition thereof respectively, or in any Act or Acts now in force, mention is made of the receiver general of stamp duties or of the receiver general of land and assessed taxes for the London district, the same, with reference to any act, matter, or thing to be done or performed after the commencement of this Act, shall be deemed and construed to apply to and to mean the receiver general of stamps and taxes; and that wheresoever in any such bond or security or condition as aforesaid, or in any Act or Acts now in force, mention is made of the accountant and comptroller general of stamp duties or the comptroller of accounts of land and assessed taxes, the same, with reference to any such act, matter, or thing as aforesaid, shall be deemed and construed to apply to and to mean the accountant and comptroller general of stamps and taxes.

XIII. AND whereas by an Act passed in the forty-third year of the reign of King George the Third, intituled "An Act for consolidating certain of the provisions contained in any Act or Acts relating to the duties under the management of the commissioners for the affairs of taxes, and for amending the same," it is enacted, that the commissioners of taxes shall make out their schedules containing the sums discharged from assessment for any cause specially allowed by law, and the sums with which each and every defaulter ought to be charged, and the sums which shall not have been collected by occasion of the collector's neglect, and which ought to be re-assessed on the parish, ward, or place, and shall cause the said several particulars to be inserted in a schedule fairly written on parchment under the hands and seals of such commissioners or any two or more of them, containing the names and surnames of the said collectors, and the same to be delivered to the receiver general, to be returned by such receiver general into his Majesty's Court of Exchequer, whereupon every person so making default of payment, and each parish, ward, or place so in default, may be charged by process of court according to the course thereof in that behalf: And whereas it is expedient that such schedules as aforesaid should be deposited and remain with the said commissioners of stamps and taxes at their head office: Be it therefore enacted, that all such schedules as aforesaid, which shall be made out at any time after the commencement of this Act, shall be delivered over or transmitted by the receiver general, receiving inspector, or other receiver to whom the same shall have been delivered, to the commissioners of stamps and taxes, and shall be deposited and remain in the head office of the said last-mentioned commissioners; and the production of any schedule so deposited and purporting to contain the name or names of any such defaulter or defaulters as aforesaid shall be conclusive evidence against any person named therein as making default of payment, and against every parish, ward, or place named

therein as in default, of the sum or sums mentioned in any such schedule being due and owing and in arrear and unpaid to his Majesty, his heirs and successors, unless payment thereof shall be proved ; and every such sum shall be recoverable from the person and persons making default of payment thereof as a debt upon record to the King's Majesty, his heirs and successors, with full costs of suit, and all charges attending the same.

XIV. AND be it enacted, that so much and such part and parts of any Act or Acts in force as require the commissioners for the affairs of taxes to transmit to the King's remembrancer in England the parchment duplicates of assessments of the land tax or assessed taxes, shall be and the same are hereby repealed : Provided always, that such duplicates shall continue to be furnished and transmitted to the commissioners of stamps and taxes in the manner directed and required by the laws in force, and the same shall remain deposited in the head office of the said commissioners.

Parchment duplicates of assessments not to be transmitted to the King's remembrancer.

XV. AND be it enacted, that if any person, not being duly appointed for that purpose, or legally authorized in that behalf, shall knowingly or wilfully take or receive from any collector of the land tax or collector of the duties of assessed taxes any sum or sums of money arising from any of the said taxes or duties collected or received by such collector, the person so taking or receiving such sum or sums of money shall forfeit double the amount of the sum or sums so taken or received, to be recovered, for the use of his Majesty, his heirs or successors, with full costs of suit, in his Majesty's Court of Exchequer, and to be applied in the same manner as any other penalty so recovered may be applied under the authority of any of the Acts relating to the said duties.

Penalty on persons unlawfully receiving public monies from collectors of taxes.

XVI. AND whereas by the last-recited Act, where any person shall quit his or her place of residence and remove to any other parish or place without first discharging or paying the duties charged upon him or her, the commissioners acting within the parish or place where such duties are charged upon and unpaid by the person removing as aforesaid, are directed to sign and cause to be transmitted a certificate thereof to the commissioners acting within the parish or place where the person making such default or payment shall happen to reside ; which commissioners, or any two or more of them, are thereby directed and empowered to raise and levy the said duties charged upon the party removed as aforesaid : And whereas it frequently happens that no sufficient distress can be found within the district or division of the said last-mentioned commissioners whereby the said duties may be levied, and it is expedient to provide a further remedy for the recovery of the said duties in such cases : Be it therefore enacted, that where, upon the transmission of any such certificate as aforesaid, no sufficient distress can be found within the district or division of the commissioners acting for the parish or place within which the person removed shall happen to reside whereby the said duties may be levied, then and in every such case any two or more of such last-mentioned commissioners are hereby authorized and required, by warrant under their hands and seals, to commit the person so making default of payment as aforesaid to the common gaol, there to be kept without bail or mainprise until payment shall be made of the said duties and of all reasonable costs and expenses.

43 Geo. 3. c. 99. s. 35.

Commissioners of the district to which any person removes without paying the duties assessed shall commit him to prison in default of sufficient distress.



Defaulters  
committed to  
prison to be  
liable for the  
expenses of  
their commit-  
ment.

XVII. AND be it enacted, that in any case where, under or by virtue of any Act or Acts in force relating to the duties of assessed taxes, or by or under this Act, the commissioners of taxes are authorized to commit any person to prison in default of payment of any of the said duties, it shall be lawful for the said commissioners by their warrant of commitment to direct that any such person shall be detained and kept in prison until payment shall be made as well of the said duties as of such further sum as the said commissioners shall adjudge to be reasonable for the costs and expenses of apprehending such person and of conveying him or her to prison; and every such person shall be detained and kept in prison according to the tenor and effect of such warrant.

Release, by  
direction of the  
Treasury or the  
commissioners  
of stamps and  
taxes, of pri-  
soners com-  
mitted for non-  
payment of  
duties or  
penalties.

XVIII. AND be it enacted, that where, under or by virtue of any Act or Acts in force, any person hath been or shall be committed to prison by or under any warrant of the commissioners of taxes acting within or for any district or division, for or by reason of his or her neglect or omission to pay any duties which may have been assessed or charged upon him or her, or any penalty incurred by him or her under any Act or Acts in force relating to the land or assessed taxes, and he or she is or shall be detained in custody solely under the authority of any such warrant as aforesaid, it shall be lawful for the same commissioners, or for any two or more of the commissioners acting within or for the same district or division, and they are hereby fully authorized and required, at the request or by the direction of the commissioners of his Majesty's Treasury or the commissioners of stamps and taxes for the time being, signified in writing signed by the secretary or one of the secretaries of the said respective commissioners last mentioned, to issue their warrant to the gaoler or keeper of any gaol or prison in which any such person may be detained, for the liberation of such prisoner; and upon the receipt of such last-mentioned warrant such gaoler or keeper shall forthwith release and discharge out of custody such prisoner, if for no other cause than as aforesaid he or she shall be detained.

Limitation of  
actions, &c. for  
matters done  
in pursuance of  
Land Tax Acts.

XIX. AND for the protection and indemnity of the commissioners and other persons acting in the execution of the several Acts relating to the land tax, be it enacted, that if any action or suit shall be brought against any person or persons for anything done in pursuance of any Act or Acts relating to the land tax such action or suit shall be commenced within six calendar months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and no writ or process shall be sued out for the commencement of such action or suit until one calendar month next after notice in writing shall have been delivered to or left at the usual place of abode of such person or persons by the attorney or agent for the intended plaintiff or plaintiffs, in which notice shall be clearly and completely contained the cause and causes of action, the name and place or places of abode of the intended plaintiff or plaintiffs, and of his or their attorney or agent; and no evidence shall be given on the trial of such action or suit of any cause or causes of action other than such as is or are contained in such notice; and the intended defendant or defendants to whom such notice shall have been delivered may, at any time before the expiration of such calendar month, tender amends to

the intended plaintiff or plaintiffs, his or their attorney or agent, and in case such amends shall not be accepted may plead such tender in bar to any action or suit to be brought against him or them grounded on such notice, writ, or process; and the defendant or defendants in every such action or suit may plead the general issue, and also such tender and any other plea, with leave of the court, in bar of such action or suit, and may give this Act and the special matter in evidence at any trial to be had thereupon; and if the jury shall find for the defendant in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in any other case to recover costs by law [Rep., 5 & 6 Vict. c. 97. s. 2.]; and every such action or suit which shall be brought against any collector or collectors of the land tax shall be defended by the commissioners acting for the division or place where such collector or collectors shall have been appointed; and the costs and charges attending the same, as also any other action or suit to be brought by or against commissioners or collectors for anything done in pursuance of any Act or Acts relating to the land tax, shall be defrayed by an assessment made in a just proportion on the several lands, tenements, and hereditaments chargeable to raise the quota fixed or assessed on the parish or place in or relating to which the alleged cause of action shall have arisen, or for which such collector or collectors shall have been appointed.

General issue.

Treble costs.

Actions brought against collectors to be defended by the commissioners of the district. Costs and charges to be defrayed by assessment.

XX. AND whereas by an Act passed in the first and second years of the reign of his present Majesty, intituled "An Act to amend the laws in England " relative to game," it is amongst other things enacted, that if any person not having obtained a game certificate (except such person be licensed to deal in game according to the said Act) shall sell or offer for sale any game to any person whatsoever, or if any person authorized to sell game under the said Act by virtue of a game certificate shall sell or offer for sale any game to any person whatsoever, except a person licensed to deal in game according to the said Act, every such offender shall, on conviction of any such offence before two justices of the peace, forfeit and pay for every head of game so sold or offered for sale such sum of money not exceeding two pounds as to the said justices shall seem meet, together with the costs of the conviction; and it is by the said last-mentioned Act also enacted, that if any person not being licensed to deal in game according to the said Act shall buy any game from any person whatsoever, except from a person licensed to deal in game according to the said Act, or bonâ fide from a person affixing to the outside of the front of his house, shop, or stall a board purporting to be the board of a person licensed to deal in game, every such offender shall, on conviction thereof before two justices of the peace, forfeit and pay for every head of game so bought such sum of money not exceeding five pounds as to the said justices shall seem meet, together with the costs of the conviction: And whereas it is expedient to protect and indemnify in the manner herein-after mentioned persons who inform and prosecute for offences committed against the provisions of the said recited Act: Be it therefore enacted, that from and after the passing of this Act every person who shall inform and prosecute or give evidence against any other person or persons for any offence committed or to be committed against any of the said last-recited enactments shall be indem-

Recital of 1 & 2 Will. 4. c. 32. s. 25.

Sect. 27.

Indemnity to persons prosecuting for offences committed against the recited enactments.

nified, freed, and discharged from all and every penalty and penalties which he or she may have incurred or become liable to under the aforesaid enactments, or any of them, for or by reason of any transaction or dealing which he or she may have had with the person or persons against whom he or she shall so inform and prosecute or give evidence as aforesaid, provided the information or prosecution which the person so informing and prosecuting as aforesaid shall have instituted, or upon which the person shall give evidence, shall have been commenced before the institution of any proceedings against him or her for the recovery of any such penalty or penalties which he or she may have incurred or become liable to as aforesaid.

1 & 2 Will. 4.  
c. 32. s. 37.

One moiety of  
penalties under  
recited Act  
shall be paid to  
the informer  
and the other  
to the overseer  
or parish officer.

XXI. AND whereas by the said last-recited Act certain penalties and forfeitures for offences against the said Act are directed to be paid to some one of the overseers of the poor, or to some other officer (as the convicting justice or justices may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate; and it is expedient to reward the persons who shall prosecute offenders against the said Act: Be it therefore enacted, that from and after the passing of this Act one moiety of all such penalties and forfeitures as by the said last-recited Act are directed to be paid and applied as aforesaid shall go and be paid to the person who shall inform and prosecute for the same, and the other moiety thereof only shall go and be paid to such overseer or officer as aforesaid, and be by him applied in the manner by the said last-recited Act directed; and the form of conviction set forth in the said last-recited Act shall, so far as relates to the distribution of the penalty for which judgment shall be given, be made according to the fact and conformably with the direction given by this Act as to such distribution.

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## CHAPTER XXIV.

AN ACT for the Encouragement of the voluntary Enlistment of Seamen, and to make Regulations for more effectually manning His Majesty's Navy.

[21st August 1835.]

WHEREAS it is expedient to limit the duration of the service of seamen in his Majesty's navy, and to increase the inducements to seafaring men voluntarily to enter into the same: Be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no person shall be liable to be detained against his consent in the naval service of his Majesty for a longer period than five years, to be computed from the day of his being entered into the same, unless he shall have voluntarily entered for a longer term, and except as herein-after provided; and that at the expiration of such period of continuous service he shall upon his application for that purpose be entitled to be discharged; and if the ship on board which he shall be serving be in any port of the United Kingdom he shall be forthwith discharged; and in cases of men serving on board ships absent from the United Kingdom, the

Naval service  
limited to five  
years.

If the ship be  
abroad, seamen,  
on the expira-

lord high admiral, or the commissioners for executing the office of lord high admiral, shall cause the necessary orders and instructions to be given to all admirals and other officers in command of his Majesty's ships, that about the time when the period of their respective services shall expire every person entitled to his discharge, on signifying to his captain or commanding officer his wish no longer to continue in the service, shall be discharged forthwith, if he desire it, or shall be sent by the earliest convenient opportunity, in some ship of his Majesty, to some port of the United Kingdom, to be there discharged: Provided always, nevertheless, that if the admiral or commanding officer of the fleet or squadron under whose command he shall be, shall, in consequence of any special emergency, deem it hazardous to the public service forthwith to discharge him, then such admiral or commanding officer shall have power to detain him in the service for a further period of six calendar months, or until such emergency shall have ceased; . . . . . Provided also, that if any seaman shall be under lawful arrest at the period at which he shall be so entitled to his discharge, then such discharge shall not take place until such arrest shall have ceased, or, in case he shall have been put under arrest in order to be brought to trial for any offence, until he shall have been tried for such offence, and have undergone the punishment to which he may be adjudged for the same by sentence of court-martial: And provided further, that nothing in this Act contained shall be construed to exempt any person so entitled to his discharge from the performance of the duties of his station until he shall have been actually discharged; and that every such person, so long as he shall be in the service, shall be amenable and subject to the discipline of the navy, and to the several provisions of the laws in being relating to the government of his Majesty's ships, vessels, and forces by sea.

tion of their service, to be discharged or sent home by the earliest opportunity.

Admiral, in case of emergency, may detain them six months longer or till emergency has ceased.

Seamen under arrest for trial not to be discharged until after trial, &c.

Persons entitled to discharge shall perform duties, and be amenable to naval discipline until discharged.

Discharged seamen shall receive certificates, and protections from naval service for 2 years

II. AND be it further enacted, that every such seaman who may have served the said term of five years, whilst any proclamation of his Majesty calling for the services of seafaring men shall have been in force, shall, upon being discharged from the navy, be entitled to receive from the captain or commanding officer of the ship from which he shall be so discharged a certificate of his service therein, containing a description of his age, person, and place of birth, upon the production at the Admiralty office of which and of similar certificates as to his service in any other of his Majesty's ships in which he may have served during such period of five years (all which certificates the captains of such ships are hereby required to give him on his discharge from the same respectively), and upon a comparison of the dates and particulars to be expressed in such certificates with the muster books of the several ships in which he shall have served, provided the particulars shall be found correct and the certificates be found genuine, a protection from service in the navy for the space of two years shall be issued to every such seaman gratis, under the hands of two or more of the commissioners for executing the office of lord high admiral and the seal of the office of Admiralty, in such form as the said commissioners shall think fit: Provided always, that if any such seaman shall be discharged, except upon his own application, before the term of his service shall amount to five years as aforesaid, a protection shall be granted to him for the space of one year only.

Punishment for  
forging certi-  
ficates, &c.

III. AND in order to prevent as far as may be frauds and impositions with respect to protections, be it further enacted, that if any person shall forge or counterfeit any certificate of service in his Majesty's navy, or any instrument purporting to be a protection from such service, or shall fraudulently utter or publish any forged certificate of such service, or any forged instrument purporting to be a 'protection from such service, knowing the same to be forged, or shall fraudulently alter any certificate or protection which shall have been duly granted or issued; or if any person shall forge or fraudulently alter any extract from a baptismal register, or shall knowingly utter any false or fraudulently altered extract from a baptismal register, or any false affidavit, certificate, or other document, in order to obtain from the Admiralty office a protection from his Majesty's naval service for himself or any other person; or if any person, being in the possession of a protection, shall lend, sell, or dispose thereof to any other person, in order fraudulently to enable such other person to make an unlawful use of the same; or if any person shall produce, utter, or make use of, as a protection for himself, any protection which shall have been made out or issued for any other individual; every person in any such manner offending shall be deemed guilty of a misdemeanor, and such protection shall thenceforward be null and void.

\* \* \* \* \*

Provisions in  
favour of  
volunteers  
extended to  
colonial sea-  
men, who on  
their discharge  
shall be sent to  
their homes.

VIII. AND be it further enacted, that all the provisions contained in this Act in favour of volunteers shall be extended to the seamen belonging to the British colonies who shall freely enter themselves to serve in the navy; and that all such colonial seamen, after being discharged at the expiration of five years service, in case they shall be desirous to return to their native colony, shall either be conveyed thither free of expence, or be allowed a gratuity in money sufficient to cover the cost of their return thereto, as the commissioners for executing the office of lord high admiral shall think fit.

Act not to  
diminish the  
authority of the  
Admiralty in  
the discharge  
of seamen.

Seamen may  
obtain their  
discharge on  
providing  
substitutes.

IX. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend to control or diminish the authority vested in the lord high admiral and the commissioners for executing the office of lord high admiral to discharge, as he or they shall think fit, or to authorize the discharge of any seaman from his Majesty's naval service; and that if any seaman shall be desirous of being discharged from the naval service before the expiration of the period of five years for which he shall be engaged or shall be bound to serve, and shall provide one able seaman or two able-bodied landmen to serve in his stead, for a period of five years (if their services shall be so long required), every such seaman shall, upon the approval of such substitutes by the proper officer of the Admiralty, and upon their being actually received into the service on board any one of his Majesty's ships of war, be forthwith discharged from the navy, and shall be entitled to the same protection as if he had completed a period of five years service.

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## CHAPTER XXVI.

AN ACT for the Appointment of convenient Places for the holding of Assizes in Ireland. [21st August 1835.]

**W**HEREAS, by a statute made in the sixth year of the reign of King Richard the Second, it was ordained, that the justices assigned to take assizes and deliver the gaols should hold their sessions in the principal and chief towns of every of the counties where the shire courts of the same counties should be holden: And whereas by a statute made in the eleventh year of the same reign, reciting so much of the said statute of the sixth year as is herein-before recited, and stating that the said statute was in part prejudicial and grievous to the people of divers counties in England, it was provided that the chancellor of England for the time being should have power thereof to make and provide remedy, by advice of the justices, from time to time when need should be, notwithstanding the said statute: And whereas the places at which the assizes are now held in various counties of Ireland are inconvenient to the inhabitants thereof, and it would conduce to the more cheap, speedy, and effectual administration of justice to appoint other places instead thereof for the holding of assizes; but doubts may be entertained whether that object can be fully effected by virtue of the statutes herein-before referred to: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of each of the said statutes as relates or may be construed to relate to holding assizes or sessions in Ireland shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

Recital of  
6 Ric. 2. st. 1.  
c. 5.

11 Ric. 2. c. 11.

Recited Acts  
repealed in part.

II. AND be it declared and enacted, that the lord lieutenant or other chief governor or governors of Ireland, by and with the advice of the privy council of Ireland, shall have power from time to time to order and direct at what place or places in any county in Ireland the assizes and sessions under the commissions of gaol delivery, and other commissions for the dispatch of civil and criminal business, shall be holden, and to order and direct such assizes and sessions for the dispatch of criminal and civil business to be holden at more than one place in the same county, and to order and direct the assizes and sessions under such commissions for the dispatch of criminal or civil business to be holden at one or more place or places in such county; and further to order and direct any special commissions of oyer and terminer and gaol delivery to be holden at any one or more places in any such county.

Lord lieutenant, &c. in council may direct at what places assizes and sessions shall be held, and that they may be held in more than one place in the county; as also special commissions.

III. PROVIDED always, and be it enacted, that it shall not be lawful for the lord lieutenant or other chief governor or governors of Ireland, and the privy council there, to make any order for changing the place for holding the assizes in any county, or for dividing any county, for the purposes of this Act, unless a memorial shall have been presented to him or them by a majority of the grand jury of the assizes of such county, praying that such change or division may be made.

Place for holding assizes not to be changed, or counties divided, unless desired by majority of grand jury.

IV. AND be it enacted, that in case the lord lieutenant or other chief governor or governors of Ireland, by and with the advice of the privy council of Ireland, shall think fit to order and direct that the assizes or any such special commissions shall be holden at more than one place in any one county, it shall be lawful for the lord lieutenant or other chief governor or governors,

Power to divide counties for the purpose of holding assizes, &c. in different divisions of the same county.

by and with the advice aforesaid, to divide any such county for the purposes of this Act, and to make rules and regulations touching the venue in all cases, civil and criminal, then pending or thereafter to be pending and to be tried within any division of such county so to be made as aforesaid; and touching the liability and attendance of jurors, whether grand jurors, special jurors, or common jurors, at the assizes and sessions as aforesaid, or at any sessions under any special commissions, to be holden within any such division; and touching the use of any house of correction or prison as a common gaol, and the government and keeping thereof; and touching the alterations of any commissions, writs, precepts, or other proceedings whatsoever for carrying into effect the purposes of this Act; and touching any other matters that may be requisite for carrying into effect the purposes of this Act; and all such rules and regulations shall be of the like force and effect as if the same had been made by the authority of Parliament, and shall be notified in the Dublin Gazette, or in such other manner as the lord lieutenant or other chief governor or governors of Ireland, by and with the advice of the privy council of Ireland, shall think fit to direct.

## CHAPTER XXVII.

AN ACT to continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland.]\* [21st August 1835.]

WHEREAS several Acts from time to time have passed, containing regulations for the linen and hempen manufactures in Ireland, and such regulations were, by an Act passed in the second and third years of the reign of His present Majesty, intituled "An Act for the better regulation of the "linen and hempen manufactures in Ireland," continued in force until the end of the present session of Parliament, when the same will expire; and it is expedient that such regulations should be, with certain modifications, continued for a time to be limited: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act all flax sold by sample or otherwise, or exposed for sale in open fair or market, in Ireland, shall be of equal cleanness and quality throughout each parcel, upon pain that any person selling or exposing for sale such flax, or the owner thereof at the time of sale, shall forfeit and pay a sum not exceeding the amount of one shilling for every stone of flax so sold or exposed for sale which shall not be of equal cleanness and quality throughout each parcel.

II. AND be it further enacted, that all brown or unbleached or unpurged linen yarn sold in open fair or market in Ireland shall be well and sufficiently spun and made up into hanks, each hank to consist of twelve cuts and no more, save and except in the case of yarn or grist of two hanks in the pound, commonly called pound yarn or head yarn, which last-mentioned description of yarn shall be made up in half hanks of six cuts and no less; and every

2 & 3 Will. 4.  
c. 77.

Flax sold, &c.  
in open market  
to be of equal  
cleanness  
and quality  
throughout,  
under penalty  
of not above  
1s. per stone.

Regulations as  
to making up  
and reeling  
linen yarn sold  
in open market.

\* So much of this Act as relates to the embezzlement of materials, and to manufacturers and weavers, rep., 3 & 4 Vict. c. 91. s. 1.]

such cut shall contain one hundred and twenty threads, and no more ; and every such hank shall be one yard and one quarter in length, or two yards and one half in circumference, and no more, and each such cut in every such hank shall be separated as the same shall be reeled, and not afterwards ; and in reeling such linen yarn no more than one thread at a time shall be reeled ; and all the yarn contained in every such hank shall be of flax yarn only, or tow yarn only, of the same colour and fineness throughout each hank ; and when the hank or twelve cuts are reeled, the same shall be made up in such manner as to admit of opening thereof at every part at ten inches at least, for the purpose of spreading on the bleach green ; and in case any person or persons shall sell or expose for sale in open fair or market any yarn which shall not be conformable to the above regulations, or which shall be deficient in quality, length, or count, such person or persons, or the owner or owners of such yarn at the time of sale, shall forfeit a sum after the rate of not less than one penny nor more than fourpence for every hank of such yarn so sold or exposed for sale as aforesaid ; and that in all cases of fraud or wilful default in the preparation of linen yarn which shall be sold or exposed for sale in open fair or market, the person or persons selling or exposing for sale such yarn, or the owner or owners thereof, shall forfeit a sum not less than one penny nor more than fourpence for every hank of such yarn so sold as aforesaid : Provided always, that nothing herein-before contained shall extend or be construed to extend to mill-spun yarn, and that no mill-spun yarn shall be subject to the regulations aforesaid.

III. AND be it further enacted, that for the purposes of this Act all flax or linen yarn which shall be sold or exposed for sale in the public or usual market place of any fair or market, between the hours of eight of the clock in the forenoon and two of the clock in the afternoon of any fair or market day, shall be deemed and taken to be sold or offered for sale in open fair or market, and none other ; any law, usage, or custom to the contrary notwithstanding.

IV. AND be it further enacted, that across each end of every piece of linen cloth sold or exposed for sale in open fair or market in Ireland, there shall be woven two coarse threads or cords, distant from each other about one fourth part of an inch ; and there shall be written with pen and ink, close to such coarse threads or cords on each end, in legible characters, the christian name, surname, and place of residence of the weaver or manufacturer thereof, and there shall be also written or marked upon the outside fold of every such piece of linen the length and breadth thereof ; and in case any person shall sell or offer for sale in open fair or market any piece of linen wherein such threads or cords shall not be so woven, or whereon the name and residence of the weaver or manufacturer, and the length and breadth thereof, shall not be so written, such person so offending shall, upon complaint and proof thereof, forfeit a sum not exceeding five shillings for every such offence, according to the judgment and discretion of the justice or chief magistrate before whom any such complaint shall be made.

V. AND be it further enacted, that no person shall sell or expose for sale in open fair or market in Ireland any piece of brown linen cloth being of or exceeding the set of twelve hundred, made or intended to be of the denomination commonly called yard wide, that shall not be, when brown and before the same shall be bleached, thirty-seven inches and a half broad at

When flax or linen yarn shall be deemed sold in open market.

Two coarse threads to be woven on every piece of linen sold in open market, with name and residence of weaver, and its length and breadth.

Penalty for neglect.

Widths of linen cloth.

Yard wide.



least; and that all cloth of the denomination of yard wide, being under the set of twelve hundred, shall be, when brown, thirty-six inches broad at least; and that no person shall sell or expose for sale in any public market any piece of plain linen cloth being of the denomination commonly called seven eighths wide, that shall not be, when brown and before the same shall be bleached, thirty-two inches broad at least; and that no person shall sell or expose for sale in any public market any piece of plain linen cloth being of the denomination commonly called three quarters wide, that shall not be, when brown and before the same shall be bleached, twenty-eight inches broad at least; and that no person shall sell or expose for sale in any public market any piece of plain linen cloth of the denomination of nine eighths wide sheeting, that shall not be, when brown and before the same shall be bleached, forty-one inches broad at least; and that no person shall sell or expose for sale in any public fair or market any piece of plain linen cloth of the denomination of five quarters wide sheeting, that shall not be, when brown and before the same shall be bleached, forty-five inches broad at least; and that no person shall sell or expose for sale in any public fair or market any piece of plain linen cloth of the denomination of six quarters wide sheeting, that shall not be, when brown and before the same shall be bleached, fifty-four inches broad at least; and that if any person shall sell or expose for sale in any fair or market any linen cloth or sheetings of the denominations above mentioned, which shall not be respectively of the widths above directed and specified, every such person shall be subject to a penalty of not less than five shillings nor more than ten shillings for each such piece so sold in open fair or market.

Linen cloth to be exposed for sale in open market in open folds.

VI. AND be it further enacted, that every piece of brown or unbleached linen cloth which shall be exposed to sale in open fair or market shall be so exposed in 'open folds, and no ways tied at either end or in the middle; upon pain that any person selling or exposing for sale any such linen cloth contrary to the directions aforesaid shall forfeit not less than two shillings and sixpence nor more than five shillings for every such piece so sold or exposed for sale as aforesaid.

Linen to be of equal fineness throughout.

VII. AND be it further enacted, that no person shall in open fair or market sell or expose for sale any piece of brown or unbleached plain linen cloth which shall be thicker or finer in the selvage than in the body of such piece, or which shall not be of equal fineness and thickness throughout every part of the length and breadth of such piece, under a penalty of a sum not less than two shillings and sixpence nor more than twenty shillings for every such piece of linen so sold or exposed for sale as aforesaid.

Linen not to be glazed, pasted, or spouted, or dyed or stained.

VIII. AND be it further enacted, that no person shall sell or expose for sale in open fair or market any piece of brown or unbleached linen any part whereof shall have been glazed, pasted, or spouted, after it is woven, or dyed or stained, either in the yarn or cloth, with any material which has a tendency to render the part so glazed, pasted, spouted, dyed, or stained more difficult to bleach, or to deceive the buyer as to quality, on pain of forfeiting not less than five shillings nor more than twenty shillings for every such piece so sold as aforesaid.

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X. AND be it further enacted, that it shall and may be lawful for any justice of the peace, or the chief magistrate of any town, before whom a complaint on oath shall be made against any person or persons for selling or offering for sale in fair or market any flax, yarn, or linen not conformable to the regulations in this Act contained, or for any fraud or wilful default in the preparation or manufacture of such flax, yarn, or linen so sold or offered for sale, and such justice or chief magistrate is hereby required and empowered, to summon before him three persons skilled in flax, yarn, or linen, as the case may be, of whom one shall be named by the party making such complaint, another by the party against whom such complaint may be made, and the third by such justice or chief magistrate; and in default of either party making such nomination, such justice or chief magistrate shall nominate a person on behalf of the party so making default; and the three persons so summoned shall be sworn by such justice or chief magistrate well and truly to examine the flax, yarn, or linen, as the case may be, which is the subject of such complaint, and a true verdict to give whether such complaint be or be not well-founded; and such verdict shall be conclusive on the subject of such complaint; and if such complaint shall be declared to be ill-founded, then and in such case the said three persons shall award such compensation as they may deem just to be paid by the party making such complaint to the person or persons against whom such complaint may have been made, for his or her or their trouble and loss of time and expences occasioned by such unfounded complaint; and the money so awarded shall and may be recovered by all such means as any penalty might have been recovered in case the said complaint had been proved to be well-founded.

Proceedings  
before justice  
or chief magis-  
trate upon com-  
plaints on oath.

XI. AND whereas disputes frequently arise between the buyer and seller, in respect of flax, yarn, and cloth sold or agreed to be sold in fairs or markets: For remedy whereof, be it enacted, that if the buyer of any such flax, yarn, and cloth sold or agreed to be sold in fair or market shall without just cause refuse to pay to the person selling the same the price agreed upon between them, or if the seller shall without just cause refuse to deliver such flax, yarn, or cloth to the person buying the same, or shall wilfully neglect to present the same for payment at the usual place of payment of the buyer within five hours after having sold the same, being duly informed of such place of payment, it shall be lawful for the buyer or seller of the same respectively to complain, at any time within twenty-four hours, to the next justice of the peace, or to the chief magistrate of any town where such dispute shall have arisen; and every such justice of the peace or magistrate is hereby required and authorized forthwith to summon the parties to appear before such justice and some other justice or chief magistrate; and if it shall appear to such justices, or chief magistrate and justice, that the buyer shall without just and reasonable cause refuse or have refused to pay the seller the price first agreed upon between such buyer and seller at such fair or market, such justices of the peace, or magistrate and justice, may, by warrant under their hands and seals respectively, order such flax, yarn, or cloth to be returned to the seller thereof, and may by such warrant direct any penalty not exceeding the sum of ten shillings to be levied off the goods and chattels of the buyer thereof; and if it shall appear to such justices of the peace, or to such chief magistrate and justice, that the seller shall without reasonable cause refuse or have refused to deliver up

Mode of set-  
tling disputes  
between buyers  
and sellers in  
fairs and  
markets.

such flax, yarn, or cloth to the person or persons to whom he had sold or agreed to sell the same, or shall have wilfully neglected to present the same for payment at the usual place of payment of the buyer within five hours after having sold the same, being duly informed of such place of payment, such justices of the peace, or chief magistrate and justice, may, by warrant under their hands and seals, order the same to be delivered up to the person who had bought or agreed to buy the same, and may also by such warrant direct any penalty not exceeding the sum of ten shillings to be levied off the goods and chattels of the seller.

This Act shall not affect flax, yarn, and linens not sold in open market.

XII. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to nor shall affect any flax, yarn, or linens not sold nor exposed for sale in open fair or market; it being the true intent and meaning of this Act that all persons may manufacture and make up flax, yarn, or linens in any manner they may think proper, and sell the same, without being subject to any regulations, penalties, or provisions in this Act contained, unless they sell or expose for sale the same in open fair or market.

Sealmasters of brown linens formerly appointed to be continued.

XIII. AND whereas it is expedient and necessary that fit and proper persons should be provided to examine, measure, and stamp all brown or unbleached linens sold in public markets, in all cases where the buyers of any such linens shall require the said linens to be examined, measured, and stamped by any such persons, before they pay for the same: And to the end that no inconvenience should be felt from the want of any such persons upon and immediately after the commencement of this Act, be it enacted, that all persons who at any time before the commencement of this Act have been appointed or authorized to act as sealmasters of brown linen under the provisions of the said recited Act of the second and third years of his present Majesty's reign, and who shall be acting in that capacity at the time of the commencement of this Act, shall continue to act therein until the appointment or appointments of every such sealmaster respectively shall be afterwards confirmed or revoked in manner directed by this Act.

Lord lieutenant to appoint a committee in each county for appointing and regulating inspectors and sealmasters.

XIV. AND be it enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being from time to time to nominate and appoint, in any and every county in which the linen manufacture or any branch thereof is or shall be carried on, twelve such persons, residing in such county, or buying or selling linens therein, as shall appear to be fit and proper persons, to be a committee for appointing, directing, and controlling the inspectors and brown linen sealmasters of such county, conformably to the regulations, provisions, and directions prescribed by this Act, of which nomination and appointment public notice shall be given in the Dublin Gazette, and in some paper published in every such county respectively; and in case of the death or resignation of any person appointed to be a member of such committee, and in case of any removal made by the lord lieutenant or other chief governor or governors of Ireland for the time being of any person from the situation of member of the said committee, which removal the said lord lieutenant or other chief governor or governors of Ireland for the time being is and are hereby empowered to make, it shall and may be lawful for such lord lieutenant or other chief governor or governors of Ireland for the time being as aforesaid to nominate and appoint such other person or persons as he or they shall think fit to be a member or

members of such committee in the room and stead of the person or persons who shall have died or resigned or who shall have been so removed; and notice of every such nomination or appointment shall be given in the Dublin Gazette and in any newspaper of the county to which such nomination shall relate.

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XVI. AND be it further enacted, that every such committee, having formed a list of all persons acting as sealmasters in the county for which such committee shall be appointed, shall then proceed to revise the said list; and it shall and may be lawful for every such committee, or any five or more of them, upon such revision, to dismiss any person from the situation of sealmaster whom they shall consider to be unfit for such situation, and to appoint another in place of the person so dismissed, and so from time to time to dismiss and appoint every such person as such committee or any five or more of them shall deem it right to dismiss from or appoint to the office and situation of a sealmaster of brown linen, limiting or extending the number of such sealmasters according as it shall seem to such committee to be expedient and necessary; and it shall and may be lawful for every such committee, or any five or more of them, to confine the duties and authorities of every sealmaster to such particular linen market or markets in their respective counties as they shall think proper, and to dismiss any sealmaster who shall refuse or neglect to obey any such rules, regulations, and directions as such committee shall lay down for the government of such sealmaster; provided that nothing contained in the said rules, regulations, and directions shall be contrary to any of the provisions of this Act.

Committee may remove sealmasters, and appoint others.

XVII. PROVIDED always, and be it enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland, in his or their discretion, to order and direct that such committee as aforesaid shall, within a time to be specified, make a report of the grounds upon which any dismissal of any sealmaster may have taken place by or under the orders of such committee, and such report such committee are hereby required to make accordingly, within such time as shall be specified for that purpose; and it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being to direct that the matter of such report shall be inquired into by any person or persons to be named and appointed for that purpose by such lord lieutenant or other chief governor or governors of Ireland; and according to the result of such inquiry, or in case no report shall be made by such committee within the time so specified, it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland either to confirm such dismissal, or to revoke the same, and to direct that the person so dismissed shall be restored to his situation of sealmaster.

Lord lieutenant may direct the committee to report the grounds upon which they have dismissed any sealmaster; and cause such report to be inquired into; and confirm or revoke such dismissal.

XVIII. AND be it further enacted, that every person who shall at or previous to the commencement of this Act be acting as a sealmaster in any county, and desirous of continuing so to do, shall, within twenty days after the passing hereof, enter, with two sufficient sureties, into such security as herein-after mentioned; and that every person who shall be at any time after the passing of this Act appointed a sealmaster shall, before doing any act by virtue of such appointment, enter, with two sufficient sureties, into

Sealmaster shall give security.

such security as herein-after mentioned; (that is to say,) a security by writing obligatory to our sovereign lord the King in such penal sum or sums as shall be directed by the committee for the county wherein such sealmaster shall act, such writing obligatory to be in such form of words as obligations to the King's Majesty are used to be made, for the performance of the conditions thereunder written; and the committee for each county shall have power and authority to take and cause such writing obligatory to be made and entered into; and all obligations so made shall be good and effectual in law to all intents and purposes as any obligation made to our sovereign lord hath heretofore been or may be adjudged or taken to be; and the condition of every such security shall be, that the person so appointed a sealmaster shall duly and diligently execute his office according to the regulations of this Act; and that such sealmaster, his executors or administrators, shall duly and without delay pay all such fines as shall be imposed on him from time to time by any justice or chief magistrate, and all such damages as may be awarded against him in any suit or proceeding under this Act; and that, in case of the death of any of his sureties, such sealmaster will, within one month after such death shall have come to his knowledge, procure another sufficient person to enter into a like security; and that such sealmaster, his executors or administrators, will surrender and give up his seal or stamp when thereunto required by such committee, or any five or more of them; and that he will not at any time lend, hire out, or sell his stamp or seal, or suffer the same to be used by any person but himself or his known servant or assistant at his usual place of residence: Provided always, that no such writing obligatory to be made or entered into as aforesaid by any person who shall at the commencement of this Act (but not otherwise) be acting as a sealmaster in any county, and who shall be desirous of continuing so to do, shall be subject to any stamp duty whatsoever imposed by any Act or Acts now in force, or to be imposed by any future Act or Acts, unless the same be specially subjected thereto in and by such future Act or Acts.

Security not to be subject to stamp duty.

Committee to prescribe the forms of seals to be used by sealmasters.

Punishment for forging seals.

XIX. AND be it further enacted, that it shall and may be lawful for every such committee, or any five or more of them, to choose and prescribe the form and device of the seal or stamp to be used by the sealmaster of their respective county, and to alter the same as often as such committee shall think fit; and if any person shall forge or counterfeit any seal or stamp of any sealmaster appointed or to be appointed by such committee, or any five or more of them, to any piece or part of a piece of brown linen, such person, being thereof lawfully convicted, shall be imprisoned, with or without hard labour, for any period not exceeding one year, at the discretion of the judge or judges who shall try such offence.

Residence of sealmasters and their sureties, &c.

XX. AND be it further enacted, that every sealmaster of brown linen, except such as are or shall be appointed to particular markets, shall reside within the parish mentioned on his seal; and that one of the persons who shall enter into security for him as aforesaid shall be resident within the same parish, or in or within one mile of the next market town thereto within the same county; and that a sealmaster appointed for any particular market shall be at liberty to use his seal or stamp in respect to all linens prepared for sale in such market, without reference to his place of residence.

XXI. AND be it further enacted, that every sealmaster of brown or unbleached linen, appointed as aforesaid, shall carefully view, examine, and measure every piece of such linen which shall be produced and offered to him to be sealed; and if the same shall appear to him to be merchantable, and to be conformable to the directions in this Act contained, then, and not otherwise, such sealmaster shall affix or cause to be affixed a fair impression of such seal as shall be appointed for him by the said committee, with lamp black, or vermillion, or stone blue, and size, or common oil, on the middle of such fold, at no more than thirteen inches from the end of such piece, and shall likewise mark or cause to be marked with such ingredients as aforesaid, on the back or outside of every such piece, the length of such piece, and the number of inches it contains in breadth, and also the half inch if the same shall be in breadth half an inch more than any number of inches (without regard to any lesser fractions of an inch), together with the name of such sealmaster, and the parish and county where he resides, or the name of the market town for which he may be appointed to act; and if any parts of such piece shall be damaged or faulty, but not so damaged or faulty as to render the same unmerchantable, every such damaged or faulty part shall be fairly exposed in the lap or bosom of such piece, so as that the same may be easily seen; and opposite to such damaged or faulty part, upon the bosom of every such piece, such sealmaster shall affix or cause to be affixed an impression of his seal, with such ingredients as aforesaid, to denote such damaged or faulty part; and such sealmaster shall and may demand and take the sum of one penny, and no more, for every piece of brown or unbleached linen containing twenty-five yards or under, which shall be by him sealed as aforesaid, and so in proportion for a greater quantity; and if any such sealmaster shall offend by neglecting or transgressing any one of the regulations aforesaid, every such sealmaster shall forfeit a sum not less than five shillings nor exceeding twenty shillings for every such offence.

Duties of seal-  
masters.

Fees.

Penalty for  
neglect.

XXII. AND be it further enacted, that no person shall in open fair or market in Ireland sell or expose to sale, buy or agree to buy, any pieces of brown or unbleached linen which shall not, at the time of selling or exposing the same to sale, be sealed and marked as required by this Act, upon pain of forfeiting the sum of five shillings for every piece of linen so sold or exposed to sale.

No person to  
sell or buy in  
open market  
brown or un-  
bleached linen  
not sealed.

XXIII. AND be it further enacted, that all brown linen shall be measured between seal and seal, and bad and insufficient ends shall not be taken into the length thereof; and such linen shall be bought and sold by no other measure than the statute yard containing thirty-six inches; and no extraordinary measure or allowance, except the breadth of a thumb, as is now generally practised, to every yard in the measuring thereof, shall be made therein by the seller to the buyer, or required or accepted of or taken by the buyer from the seller; upon pain that every person buying or selling any such linen contrary to the true intent and meaning of this Act shall forfeit not less than two shillings and sixpence nor more than five shillings for every such offence.

Measurement  
of brown linen.

XXIV. AND be it further enacted, that if any person shall sustain any loss or damage in the buying any piece of brown or unbleached linen, by any damaged part being concealed in the folds thereof, or by its not answering

Buyers may  
recover from  
sealmasters for  
damage or de-  
ficiency in linen.

the measure as to the length or breadth marked thereon by any sealmaster, it shall and may be lawful to and for such person to sue for and recover from the sealmaster of such piece, or the persons who shall at the time of such sealing be bound as security for his faithful discharge of the office of sealmaster, the full value of the loss or damage so sustained.

Committee  
may appoint  
inspectors.

XXV. AND be it further enacted, that it shall and may be lawful for the committees aforesaid, or any five of their body, to appoint inspectors for such brown linen and linen yarn and flax markets within each of their said counties as may appear to such committees necessary for the better regulation of such brown linen, linen yarn, and flax markets within such counties; and that it shall and may be lawful for such committees at any time to dismiss or discontinue such inspectors, and to appoint others in their places; provided that it shall not be lawful for such committees to impose any fine, charge, or impost whatsoever for the remuneration or emolument of such inspectors.

Duty of in-  
spectors.

XXVI. AND be it further enacted, that every such inspector so appointed shall have full power and authority to inspect and examine all brown linen, linen yarn, or flax exposed for sale in any public market or fair to which he shall have been appointed as aforesaid; and he is hereby authorized and required to seize any linen yarn or flax so sold or exposed for sale in public fair or market not conformable to the regulations prescribed in this Act; and such inspector shall forthwith carry such linen, yarn, or flax before the next justice of the peace or other chief magistrate within their respective jurisdictions to be dealt with according to law; and in case a justice of the peace or other magistrate cannot be forthwith found, then such inspector may detain such linen, yarn, or flax so seized, if necessary, for forty-eight hours, but no longer, to be dealt with as aforesaid; and such inspector shall, as often as he may be called on by the committee of the county for which he shall act, return a diary or journal of his proceedings, and a true account of all linens, yarns, and flax by him seized or informed against, and also a true account of the fines imposed and levied or paid on such linens, yarns, or flax, and also pay the amount of the said fines received by him to such committee, when required so to do.

\* \* \* \* \*

Affirmation of  
Quaker or  
Moravian to be  
taken in lieu  
of oath.

False swearing,  
perjury.

XXXI. AND be it further enacted, that in all cases where by the provisions of this Act any oath or affidavit is authorized or required to be taken, the solemn affirmation of any person being a Quaker or Moravian shall be sufficient in the place of such oath or affidavit; and every person who shall knowingly swear or affirm any thing false in any such oath or affirmation shall be deemed and taken to be guilty of perjury, and, being lawfully convicted thereof, suffer such punishment as persons convicted of wilful and corrupt perjury are by the laws in force in Ireland subject to.

Complaints  
where penalty  
does not exceed  
5*l.* may be  
heard before  
a justice or  
a chief magis-  
trate of a town.

XXXII. AND be it further enacted, that all complaints which shall be made of any offence or offences committed against any of the regulations or directions contained in this Act, the penalty or forfeiture in respect whereof shall not exceed in amount or value the sum of five pounds, shall and may be heard by any one justice of the peace acting within his jurisdiction, or by the chief magistrate of any town presiding in his court in such town; and for that purpose such justice or magistrate shall and may examine any person or

persons upon oath ; and in default of the payment of any such penalty or sum of money as shall be awarded by any such justice or chief magistrate by virtue of this Act upon the hearing of any such complaint, it shall and may be lawful for such justice or chief magistrate to levy the same, by warrant of distress under his hand and seal, on and off the goods and chattels of the person liable to the payment of such penalty or sum of money, rendering the overplus, if any, after payment of the costs and expences of such distress, to such person ; and in case no sufficient distress shall be found, then to commit such person to gaol or to the house of correction for any period not exceeding one calendar month, unless such penalty or sum of money shall be sooner paid.

XXXIII. AND be it further enacted, that in all cases where any sealmaster shall be complained against for having committed any offence under this Act, if such sealmaster shall reside more than five miles distant from the place in which such complaint shall be made, it shall be sufficient if the summons issued against him to answer such complaint be proved on oath to be put into the post office of the town in which such complaint has been so made, and addressed to such sealmaster by his name, residence, and occupation ; provided such summons be so put in the post office of such town aforesaid four days previous to the day appointed for the hearing of such complaint.

Proceedings upon complaint against sealmaster.

XXXIV. AND be it further enacted, that if any sealmaster of any one county shall commit any offence punishable by this Act, and the piece of linen in respect whereof such offence shall have been committed be sold or exposed for sale and seized in another county, the complaint made against such sealmaster shall be heard before and determined by and the penalty levied under the warrant of any justice of the peace of the county in which such piece of linen shall be sold, offered for sale, or seized, as if the default or neglect of such sealmaster in respect of such piece of linen had been committed in the county in which such piece of linen was seized.

Offence to be tried where the cloth is seized.

XXXV. AND be it further enacted, that any penalty which shall be awarded and levied by any justice of the peace or chief magistrate, in pursuance of the provisions of this Act, shall and may be directed by such justice or chief magistrate to be applied in manner following ; (that is to say,) in every case where the person preferring the complaint shall appear to have suffered any damage, costs, loss of time, or other injury in the matter being the subject of complaint, any such penalty shall and may be paid to such person ; or if no damages, costs, loss of time, or other injury shall appear to have been sustained by such person, then such penalty shall be paid to the committee appointed in manner herein-before directed in the county in which the complaint originated, to be applied by such committee towards forming a fund for defraying any expences in executing the duties assigned to them by this Act ; or it shall and may be lawful for such justice or chief magistrate to direct any portion of any such penalty so levied to be paid to the party aggrieved, and the remaining portion of such penalty to be paid to such committee.

Application of penalties.

XXXVI. AND be it further enacted, that all penalties and forfeitures incurred under any clause or article in this Act, exceeding in amount or value five pounds, and not exceeding in amount or value twenty pounds, shall and may be sued for and recovered, by any person who will sue for the same, by civil bill before the assistant barrister of the county in which the penalty or forfeiture shall have been incurred ; and that all such penalties and forfeitures

Penalties exceeding 5*l*. and not exceeding 20*l*. recoverable by civil bill before assistant barrister ;



exceeding 20l. by action, &c. in superior courts.

Venue to be laid in the county, &c. where penalties incurred.

Defendant may plead the general issue, &c.

Commencement and continuance of Act.

exceeding in amount or value twenty pounds shall and may be sued for and recovered, by any person who will sue for the same, by suit or action at law, or by bill, plaint, or information, in any of his Majesty's Courts of King's Bench, Common Pleas, or Exchequer in Ireland, wherein no essoign, protection, nor wager of law, nor more than one imparlance, shall be allowed; and that in all such actions, suits, or prosecutions which shall be brought or prosecuted for recovery of such forfeitures or penalties, the venue shall be laid in the county or in the county of the city or the county of the town wherein such forfeitures or penalties were incurred, and in none other.

XXXVII. AND be it further enacted, that if any action or suit shall be commenced or brought against any person for doing or causing to be done any act, matter, or thing in pursuance of this Act, the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence; and if upon such action or in such suit judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs therein shall become nonsuit, or discontinue his, her, or their action or suit, the defendant or defendants therein shall have double costs [Rep. 5 & 6 Vict. c. 97. s. 2.]

XXXVIII. AND be it further enacted, that this Act shall commence and take effect from and after the end of this present session of Parliament, and shall continue and be in force for two years, and from thence to the end of the then next session of Parliament. [Rep. Stat. Law Rev. Act, 1874.]

### CHAPTER XXXIII.

AN ACT for preventing the vexatious Removal of Indictments into the Court of King's Bench; and for extending the Provisions of an Act of the Fifth Year of King William and Queen Mary, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King George the Fourth, as to taking Bail in Cases of Felony. [21st August 1835.]

WHEREAS it is expedient to prevent prosecutors of indictments and presentments from vexatiously removing the same out of inferior courts into his Majesty's Court of King's Bench: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no writ of certiorari shall issue from the Court of King's Bench at Westminster for removing into that court any indictment or presentment from any court of session, assize, oyer and terminer, or gaol delivery, or any other court, at the instance of the prosecutor or any other person (except his Majesty's attorney general), without motion first made in the Court of King's Bench, or before some judge of that court, and leave obtained to remove such indictment or presentment, in the same manner as similar motions may now be made and leave given where such application is made on the part of defendants; any law, practice, or usage to the contrary in anywise notwithstanding.

No certiorari shall issue to remove indictments, &c. from sessions, &c. to the Court of King's Bench, at the instance of a prosecutor, &c. without leave from that court.

5 & 6 Will. & Mar. c. 11.

Defendants to enter into cer-

II. AND whereas it is expedient to extend the powers of an Act passed in the fifth year of the reign of King William the Third and Queen Mary, intituled "An Act to prevent delays of proceedings at the quarter sessions of the peace": Be it therefore enacted, that instead of the recognizance now

by law required to be entered into before the allowance of a writ of certiorari, every person indicted or presented in any court of session, assize, oyer and terminer, gaol delivery, or any other court, who shall obtain a writ of certiorari for removing any indictment or presentment whatever into the Court of King's Bench, not being in custody for want of bail to answer such indictment or presentment, shall, before the allowance of such writ, enter into a recognizance before one of his Majesty's justices of the Court of King's Bench, or before a justice of the peace of the county or place in which the offence is charged to have been committed, or in which such person shall reside, in such sum and with such sureties as the said Court of King's Bench, or one of his Majesty's justices of the said court, shall by indorsement on the said writ order and direct; which recognizance shall contain the same conditions as are now by the said Act, and another Act passed in the eighth and ninth year of the reign of King William the Third, intituled "An Act to make " perpetual and more effectual an Act, intituled 'An Act to prevent delays " 'at the quarter sessions of the peace,' " required in cases of indictments removed from the general or quarter sessions of the peace; and thereupon all the clauses and provisions contained in the said several Acts with respect to costs or otherwise shall extend to such last-mentioned recognizances; and every person being in custody for want of bail to answer the charge contained in such indictment or presentment shall be detained in custody until the like recognizances as are herein-before directed to be entered into (previous to the allowance of such writ of certiorari) shall have been entered into, or until such person be discharged by due course of law.

tain recogni-  
zances before  
obtaining writ  
of certiorari to  
remove indict-  
ment, &c.

8 & 9 Will. 3.  
c. 33.

\* \* \* \* \*

#### CHAPTER XXXV.

AN ACT for consolidating the Offices of Paymaster General, Paymaster and Treasurer of Chelsea Hospital, Treasurer of the Navy, and Treasurer of the Ordnance. [25th August 1835.]

**W**HEREAS various Acts have been passed from time to time for the better regulation of the offices of receiver and paymaster general of his Majesty's guards, garrisons, and land forces, of paymaster and treasurer of all monies for the maintenance or relief of the disabled and superannuated non-commissioned officers and soldiers entertained in his Majesty's royal hospital, near Chelsea, of the office of treasurer of his Majesty's royal navy, and of the office of treasurer of his Majesty's ordnance: And whereas it is expedient to consolidate into one establishment those four several offices, and to make provision for the proper dispatch of the public business when such consolidation shall have taken place: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for his Majesty, his heirs and successors, by warrant under the royal sign manual, countersigned by the lord high treasurer, or the com-

His Majesty  
may abolish  
certain offices  
and constitute

[\* So much of this Act as relates to the payment and management of Greenwich out-pensioners by her Majesty's paymaster general, rep., 9 & 10 Vict. c. 10. s. 1.]

one office in  
place thereof.

missioners of the Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them, to abolish the said offices of receiver and paymaster general of his Majesty's guards, garrisons, and land forces, of paymaster and treasurer of all monies for the maintenance or relief of the disabled and superannuated non-commissioned officers and soldiers entertained in his Majesty's royal hospital near Chelsea, of treasurer of his Majesty's royal navy, and of treasurer of his Majesty's ordnance; and in place of the said several offices to constitute and appoint one office for the discharge of the duties now executed in the several offices so authorized to be abolished.

\* \* \* \* \*

Style and esta-  
blishment of  
the office of  
paymaster  
general.

III. AND be it further enacted, that the office to be created to execute the several duties now discharged in the said offices so to be abolished shall be styled "The Office of his Majesty's Paymaster General"; and that the establishment thereof shall consist of a paymaster general, with such number of officers, clerks, and assistants, and with such salaries, as shall be fixed and regulated from time to time by the lord high treasurer or the commissioners of his Majesty's Treasury for the time being, or any three or more of them.

Appointment  
to office.

IV. AND be it further enacted, that the said office of paymaster general shall be granted by warrant under the royal sign manual, countersigned by the lord high treasurer, or the commissioners of the Treasury for the time being, or any three or more of them, and that such grant when so made shall be and continue in force during his Majesty's pleasure, in the same manner as the offices by this Act authorized to be abolished are granted and held.

Office not to be  
deemed a new  
office under  
6 Ann. c. 41.

V. AND be it further enacted, that the said office of paymaster general shall not be deemed or taken to be a new office within the meaning of an Act passed in the sixth year of the reign of her Majesty Queen Anne, intituled "An Act for the security of her Majesty's person and government, and of the succession of the crown of Great Britain in the protestant line."

\* \* \* \* \*

Duties, &c.  
transferred to  
new office.

VII. AND be it further enacted, that from and after the abolition of the said offices, and so soon as the appointment of a paymaster general shall have been made under the authority of this Act by his Majesty, his heirs or successors, all the interest, titles, powers, authorities, privileges, and duties now exercised by or vested, either by law or usage, in any of the said offices so abolished, shall be and the same are hereby declared to be transferred to, exercised by, and vested in the said paymaster general in as full and ample a manner to all intents and purposes as they were exercised by or vested in the persons holding the said offices so abolished, except only so far as any of such interests, titles, powers, authorities, privileges, and duties are or shall be by this Act controlled, diminished, or varied.

\* \* \* \* \*

Treasury may  
make regula-  
tions for new  
office.

X. AND whereas by reason of the abolition of the said offices it will be necessary that new regulations should be prescribed for the government of the office to be created under the authority of this Act: Be it therefore enacted, that it shall be lawful for the lord high treasurer or for the commissioners of the Treasury for the time being, or any three or more of them, and he and they are hereby empowered, to prescribe such rules and regulations, and to issue such orders, from time to time, in all matters and things relating to the

said office, for the safety, economy, and advantage of the public service, as he or they shall see fit ; which rules, regulations, and orders shall be of full force and authority, and shall be observed by the comptroller general of his Majesty's Exchequer, and by the governor and company of the Bank of England, when certified to them by the lord high treasurer or the commissioners of his Majesty's Treasury, or any three or more of them, and by all bodies and persons whatsoever, in relation to all matters and things therein contained, any thing in any Act or Acts to the contrary notwithstanding.

XI. AND be it further enacted, that a return, setting forth all rules, orders, and regulations which shall have been issued and prescribed by the commissioners of the Treasury, shall be laid before Parliament within six weeks from the date of their being promulgated, if Parliament be then sitting, and if not then setting, within six weeks from the day of the next ensuing meeting of Parliament.

Regulations  
to be laid before  
Parliament.

\* \* \* \* \*

## CHAPTER XXXVI.

An Act to limit the Time of taking the Poll in Boroughs at contested Elections of Members to serve in Parliament to One Day. [25th August 1835.]

WHEREAS it would tend to promote the purity of elections and the diminution of expence, if the poll at all contested elections of members to serve in Parliament for cities, boroughs, and towns, or for counties of cities or counties of towns, were taken in one day : . . . . .

II. AND be it further enacted, that at every contested election of a member or members to serve in Parliament for any city, borough, or town, or county of a city or county of a town, the polling shall commence at eight of the clock in the forenoon of the day next following the day fixed for the election [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]; and the polling shall continue during such one day only; and no poll shall be kept open later than four of the clock in the afternoon : . . . . .

Period of poll-  
ing at borough  
elections.

VII. AND be it further enacted, that such of the freemen of the city of London, being liverymen, as are or shall be entitled to vote in the election of members to serve in any future Parliament for the city of London in the Guildhall, and who are or shall be also entitled to vote in such election as owner or tenant of premises in such city, shall be entitled to vote at any such election at the booth or place appointed for the parish, district, or part wherein the property may be situate in respect of which he is so entitled to vote as aforesaid; and that such vote shall be entered in the poll books either as the vote of a liveryman, or as owner or tenant, as the person so voting shall direct.

Liverymen of  
London, en-  
titled to vote  
in respect of  
premises, may  
vote at the  
booth for the  
district where  
such premises  
are situate.

VIII. AND be it enacted, that where the proceedings at any election shall be interrupted or obstructed by any riot, or open violence, whether such proceedings shall consist of the nomination of candidates or of the taking the poll, the sheriff or other returning officer, or the lawful deputy of any returning officer, shall not for such cause terminate the business of such nomination, nor finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place or places at which such interruption or

Adjournment  
of nomination  
or of poll in  
case of riot.

obstruction shall have happened until the following day, and, if necessary, shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed with the business of the nomination or with the taking the poll, as the case may be, at the place or places at which the same respectively may have been interrupted or obstructed; and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the election, and the commencement of the poll shall be regulated accordingly; and any day whereon the poll shall have been so adjourned shall not as to such place or places be reckoned the day of polling at such election, within the meaning of this Act; and whenever the poll shall have been so adjourned by any deputy of any sheriff or other returning officer, such deputy shall forthwith give notice of such adjournment to the sheriff or returning officer, who shall not finally declare the state of the poll, or make proclamation of the member or members chosen, until the poll so adjourned at such place or places as aforesaid shall have been finally closed and the poll books delivered or transmitted to such sheriff or other returning officer, any thing herein-before or in any other statute to the contrary notwithstanding: Provided always, that this Act shall not be taken to authorize an adjournment to a Sunday; but that in every case in which the day to which the adjournment would otherwise be made shall happen to be a Sunday, Good Friday, or Christmas Day, that day or days shall be passed over, and the following shall be the day to which the adjournment shall be made.

Extent of Act.

IX. AND be it further enacted, that nothing in this Act shall be construed to apply to Ireland or Scotland.

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## CHAPTER XXXVIII.

An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales; and for appointing Inspectors of Prisons in Great Britain.<sup>[a]</sup> [25th August 1835.]

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III. Whereas great inconvenience and expence have been found to result from the practice of committing to the common gaol of the county persons charged with the offences intended to be tried at the assizes or sessions holden for such county where such assizes or sessions are holden at places distant from such common gaol, and it is expedient that the law should be altered and amended: For remedy thereof, be it enacted, that from and after the passing of this Act it shall be lawful for any justice of the peace or coroner, acting within their several jurisdictions in England and Wales, to commit for safe custody to any house of correction, situate near to the place where such assizes and sessions are intended to be holden, any person or persons charged before them with any offence triable at such assizes or sessions; and that whenever any such persons shall be committed to any such house of correction for trial at such assizes or sessions, the keeper of such house of

Justices, &c. may commit offenders to any house of correction near the place where the assizes, &c. are to be held.

<sup>[a]</sup> So much of this Act as relates to the penitentiary house at Millbank, rep., 6 & 7 Vict. c. 26. s. 1.]

correction shall deliver to the judges of assize or justices at sessions a calendar of all prisoners in his custody for trial at such assizes or sessions respectively, in the same way that the sheriff of the county would be by law required to do if such prisoners had been committed to the common gaol of the county.

IV. AND be it further enacted, that whenever any person shall be convicted at any assizes or sessions of any offence for which he or she shall be liable either to the punishment of death, transportation, or imprisonment, it shall be lawful for the court (if it shall so think fit) to commit such person to any house of correction for such county, in execution of his or her judgment; and in case of the commitment of any person sentenced to death, execution of such judgment shall and may be had and done by the sheriff of the county; and in case of the commitment of any person either sentenced to transportation, or pardoned for any capital offence on condition of transportation, all the powers, provisions, and authorities for the removal of offenders sentenced to transportation, given or granted by any former Act or Acts of Parliament to sheriffs or gaolers, shall be and the same are hereby extended and given to the keepers of houses of correction in whose custody such last-mentioned offenders shall be.

Commitment,  
&c. of persons  
convicted of  
offences for  
which they are  
liable to death,  
&c.

\* \* \* \* \*

VII. AND be it enacted, that it shall be lawful for one of his Majesty's principal secretaries of state to nominate and appoint a sufficient number of fit and proper persons, not exceeding five, to visit and inspect, either singly or together, every gaol, bridewell, house of correction, penitentiary, or other prison or place kept or used for the confinement of prisoners, in any part of the kingdom of Great Britain; and every person so appointed shall have authority to examine any person holding any office or receiving any salary or emolument in any such gaol, bridewell, house of correction, penitentiary, prison, or other place of confinement as aforesaid, and to call for and inspect all books and papers relating thereto, and to inquire into all matters touching and concerning such gaol, bridewell, house of correction, penitentiary, prison, or other place of confinement; and every such person so appointed shall, on or before the first day of February in every year, make a separate and distinct report in writing of the state of every gaol, bridewell, house of correction, penitentiary, prison, or other place of confinement visited by him, and shall transmit the same to one of his Majesty's principal secretaries of state; and a copy of every such report shall be laid before both Houses of Parliament within fourteen days after such first day of February, if they shall be then assembled; or if Parliament shall not be then assembled, within fourteen days after the meeting thereof after such first day of February.

Power to ap-  
point inspectors  
of prisons.

VIII. AND be it further enacted, that if any person shall knowingly and wilfully obstruct any person so appointed in the execution of any of the powers intrusted to him by this Act, such person shall, on conviction before a justice of the peace, forfeit and pay for each and every such offence any sum not exceeding twenty pounds, and in default of payment of any penalty so adjudged, immediately, or within such time as the said justice shall appoint, shall be committed to prison for any period not exceeding one calendar month.

Penalty on  
obstructing  
inspectors.

IX. AND be it further enacted, that it shall be lawful for a justice of the peace, on any complaint made to him against any person for any such offence, to issue his summons for the appearance of such person.

A justice may  
summon of-  
fenders on  
complaint  
being made.

Secretary of  
state may visit  
or authorize  
persons to visit  
prisons.

X. AND be it enacted, that it shall be lawful for any one of his Majesty's principal secretaries of state to visit and inspect, or to authorize in writing any person or persons to visit and inspect, any prison or prisons or any penitentiary or other place of confinement for prisoners in Great Britain upon any occasion which such secretary of state may think expedient.

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## CHAPTER XXXIX.

AN ACT to exempt certain Retailers of Spirits to a small Amount from the additional Duties on Licences; and to discontinue the Excise Survey on Wine, and the Use of Permits for the Removal thereof.

[31st August 1835.]

. . . . . And whereas it is deemed unnecessary to continue the keeping accounts by the officers of excise of the stocks of dealers in and retailers of foreign wine, or the survey by the officers of excise of such dealers and retailers as shall deal in or retail wine only, and shall not be dealers in or retailers of spirits, or to continue the use of permits in the removal of wine: . . . . .

\* \* \* \* \*

So much of any Act as requires entries by dealers in wine, and accounts of stocks of wine, &c. repealed.

III. AND be it further enacted, that from and after the passing of this Act so much of any Act or Acts as requires any dealer in or retailer of wine to make entry of the premises by him occupied for dealing in or retailing wine, and as requires the keeping an account by the officers of excise of the stocks of wine in the possession of dealers or retailers, and as authorizes the survey by officers of excise of such stocks, and of the premises in which the same are kept, shall be and the same is hereby repealed.

Retailers of wine, who also deal in or retail spirits, shall continue to make entry, and officers of excise may enter and examine the places used by them for keeping wine.

IV. PROVIDED always, and be it further enacted, that where any dealer in or retailer of wine shall also be a dealer in or retailer of foreign or British spirits in the same house or premises, or in any other house or premises within five hundred yards, such dealer or retailer shall continue to make entry with the officers of excise of every house, room, cellar, vault, or place made use of by him for the keeping or storing of or dealing in or retailing wine, on pain of forfeiting for every unentered house, room, cellar, vault, or place, fifty pounds, together with all wine and other liquors which may be found therein; and it shall be lawful for any officer of excise at any time to enter into any house, room, cellar, vault, or place used by any such dealer or retailer for keeping or storing, dealing in or retailing wine, and to examine all wine therein.

Requirement of permits for removal of wine repealed.

V. AND be it further enacted, that so much of any Act or Acts as relates to the requiring of permits for the removal of wine shall be and the same is hereby repealed.

Act not to affect licences for dealing in wine.

VI. PROVIDED always, that nothing in this Act contained shall extend, or be deemed or construed to extend, to affect the duties on licences required to be taken out by dealers in and retailers of wine; but that every dealer in and retailer of wine shall take out a licence or licences, and pay for the same, in the same manner as if this Act had not been passed.

Licences may be granted to sell beer,

VII. AND be it further enacted, that it shall be lawful for the commissioners and officers of excise, and they are hereby authorized and empowered, to grant

retail licences to any person to sell beer, spirits, and wine in any theatre established under a royal patent, or in any theatre or other place of public entertainment licensed by the lord chamberlain or by justices of the peace, without the production by the person applying for such licence or licences of any certificate or authority for such person to keep a common inn, alehouse, or victualling house; any thing in any Act or Acts to the contrary notwithstanding.

spirits, and wine  
in theatres, &c.  
without pro-  
duction of a  
certificate.

\* \* \* \* \*

## CHAPTER XLI.

AN ACT to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions.]\*

[31st August 1835.]

. . . . . And whereas by an Act passed in the ninth year 9 Ann. c. 19.  
of the reign of her late Majesty Queen Anne, and also by an Act passed in the  
Parliament of Ireland in the eleventh year of the reign of her said late  
Majesty, each of such Acts being intituled "An Act for the better preventing  
" of excessive and deceitful gaming," it was enacted, that from and after the  
several days therein respectively mentioned all notes, bills, bonds, judgments,  
mortgages, or other securities or conveyances whatsoever, given, granted, drawn,  
or entered into or executed by any person or persons whatsoever, where the  
whole or any part of the consideration of such conveyances or securities should  
be for any money or other valuable thing whatsoever won by gaming or play-  
ing at cards, dice, tables, tennis, bowls, or other game or games whatsoever,  
or by betting on the sides or hands of such as did game at any of the games  
aforesaid, or for the reimbursing or repaying any money knowingly lent or  
advanced for such gaming or betting as aforesaid, or lent or advanced at the  
time and place of such play to any person or persons so gaming or betting as  
aforesaid, or that should, during such play, so play or bet, should be utterly  
void, frustrate, and of none effect, to all intents and purposes whatsoever; and  
that where such mortgages, securities, or other conveyances should be of lands,  
tenements, or hereditaments, or should be such as should incumber or affect  
the same, such mortgages, securities, or other conveyances should enure and  
be to and for the sole use and benefit of and should devolve upon such person  
or persons as should or might have or be entitled to such lands or heredita-  
ments in case the said grantor or grantors thereof, or the person or persons so  
incumbering the same, had been naturally dead, and as if such mortgages,  
securities, or other conveyances had been made to such person or persons so to  
be entitled after the decease of the person or persons so encumbering the same;  
and that all grants or conveyances to be made for the preventing of such lands,  
tenements, or hereditaments from coming to or devolving upon such person or  
persons thereby intended to enjoy the same as aforesaid should be deemed  
fraudulent and void and of none effect, to all intents and purposes whatsoever:  
. . . . . And whereas securities and instruments made void

Irish Act  
11 Ann. c. 5.

[\* This Act is rep., Stat. Law Rev. Act, 1874, except so much of sections 1 & 2 as relates to the Acts of the ninth and eleventh years of the reign of her late Majesty Queen Anne therein recited or referred to.]



by virtue of the several herein-before recited Acts of . . . . . the ninth and eleventh years of the reign of her said late Majesty Queen Anne . . . . . are sometimes indorsed, transferred, assigned, or conveyed to purchasers or other persons for a valuable consideration, without notice of the original consideration for which such securities or instruments were given; and the avoidance of such securities or instruments in the hands of such purchasers or other persons is often attended with great hardship and injustice: For remedy thereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the herein-before recited Acts of . . . . . the ninth, eleventh, and twelfth years of the reign of her said late Majesty Queen Anne, . . . . . as enacts that any note, bill, or mortgage shall be absolutely void, shall be and the same is hereby repealed; but nevertheless every note, bill, or mortgage which if this Act had not been passed would, by virtue of the said several lastly herein-before mentioned Acts or any of them, have been absolutely void, shall be deemed and taken to have been made, drawn, accepted, given or executed for an illegal consideration; and the said several Acts shall have the same force and effect which they would respectively have had, if, instead of enacting that any such note, bill, or mortgage should be absolutely void, such Acts had respectively provided that every such note, bill, or mortgage should be deemed and taken to have been made, drawn, accepted, given, or executed for an illegal consideration: Provided always, that nothing herein contained shall prejudice or affect any note, bill, or mortgage which would have been good and valid if this Act had not been passed.

Securities given for considerations arising out of illegal transactions not to be void, but to be deemed to have been given for an illegal consideration.

Money paid to the holder of such securities shall be deemed to be paid on account of the person to whom the same was originally given.

II. AND be it further enacted, that in case any person shall, after the passing of this Act, make, draw, give, or execute any note, bill, or mortgage for any consideration on account of which the same is by the herein-before recited Acts of . . . . . the ninth and eleventh years of the reign of her said late Majesty Queen Anne, or by any one or more of such Acts, declared to be void, and such person shall actually pay to any indorsee, holder, or assignee of such note, bill, or mortgage the amount of the money thereby secured, or any part thereof, such money so paid shall be deemed and taken to have been paid for and on account of the person to whom such note, bill, or mortgage was originally given upon such illegal consideration as aforesaid, and shall be deemed and taken to be a debt due and owing from such last-named person to the person who shall so have paid such money, and shall accordingly be recoverable by action at law in any of his Majesty's courts of record.

Repeal of so much of 9 Ann. c. 19. and Irish Act 11 Ann. c. 5. as enacts that securities shall enure for the benefit of parties in remainder.

III. AND be it further enacted, that so much of the said Acts of the ninth and eleventh years of the reign of her said late Majesty Queen Anne as enacts that where such mortgages, securities, or other conveyances as therein mentioned should be of lands, tenements, or hereditaments, or should be such as should incumber or affect the same, such mortgages, securities, or other conveyances should enure and be to and for the sole use and benefit of and should devolve upon such person or persons as should or might have or be entitled to such lands or hereditaments in case the grantor or grantors thereof, or the person or persons incumbering the same, had been naturally dead, and as if such mortgages, securities, or other conveyances had been made to such person or persons so to be entitled after the decease of the person or persons so incumbering the same, and that all grants or conveyances to be made for the preventing

of such lands, tenements, or hereditaments from coming to or devolving upon such person or persons thereby intended to enjoy the same as aforesaid, should be deemed fraudulent and void and of none effect, to all intents and purposes whatsoever, shall be and the same is hereby repealed; saving to all persons all rights acquired by virtue thereof previously to the passing of this Act. [Rep., Stat. Law Rev. Act, 1874.]

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## CHAPTER XLII.

AN ACT to authorise the granting of Superannuation Allowances to the Commissioners and Officers of the Courts for the Relief of Insolvent Debtors. [31st August 1835.]

**W**HEREAS by an Act passed in the fourth and fifth years of the reign of his present Majesty, intituled "An Act to alter, amend, and consolidate 4 & 5 Will. 4. c. 24. s. 14. the laws for regulating the pensions, compensations, and allowances to be made to persons in respect of their having held offices in his Majesty's service," it is enacted that the superannuation allowances authorized by that Act shall extend to all such civil offices and departments as are set forth and enumerated in the schedule to that Act annexed, and that it should be lawful for the commissioners of his Majesty's Treasury, by any order or warrant under the hands of any three or more of them, to add to the list of offices and departments enumerated in the said schedule any other offices which then existed or might thereafter be created or established, and to place the same and the officers and persons employed therein under the provisions of that Act; and a Sect. 17. power was thereby given to the commissioners of his Majesty's Treasury, in case it should appear to them that any special circumstances afforded to any officer or clerk in the several offices or departments mentioned in the schedule to the Act, or in the addition authorized to be made thereto, a just claim to an amount of superannuation allowance not authorized by the Act, or exceeding the amount therein specified with reference to the length of his services, to grant or give authority for granting any special superannuation which such officer or clerk should appear to them to deserve; and it was further provided Sect. 15. and enacted, that nothing in that Act contained should authorize the adding to such list any officers in any of his Majesty's courts at Westminster or Dublin, or any other his Majesty's courts of justice elsewhere: And whereas by an Act passed in the first year of the reign of his late Majesty King George the Fourth, intituled "An Act for the relief of insolvent debtors in England," it 1 Geo. 4. c. 119. was enacted that it should be lawful for his Majesty to appoint a chief and two other commissioners for the relief of insolvent debtors, to preside in a court to be called "The Court for the Relief of Insolvent Debtors," and certain officers of such court were to be appointed as therein mentioned; and the said Act was afterwards continued and amended, and further provisions made in relation to said court, by certain other Acts of Parliament: And whereas by an Act passed in the first and second years of the reign of his late Majesty King George the Fourth, intituled "An Act for the relief of insolvent debtors 1 & 2 Geo. 4. c. 59. "in Ireland," the lord lieutenant or other chief governor or governors of Ireland were empowered to appoint any number of persons not exceeding two, being barristers at law of ten years standing at the least, to be his Majesty's commissioners for the relief of insolvent debtors in Ireland, to preside in a

Treasury may grant superannuation allowances to commissioners and officers of insolvent debtors courts in England and Ireland.

court to be called "The Court for the Relief of Insolvent Debtors," to be held at such place in Dublin as should be appointed for that purpose by the order of the lord lieutenant or other chief governor or governors of Ireland for the time being, the salary of each of such commissioners to be paid out of the consolidated fund, as mentioned in such Act: And whereas no provision has been made by the said recited Acts made in the reign of his late Majesty for granting any superannuation allowance to any commissioner or officer of the said courts respectively, and doubts have been entertained whether any such superannuation allowance can be now granted under the provisions of the said in part recited Act of the fourth and fifth years of the reign of his present Majesty, in consequence of the exception therein contained as to officers in any of his Majesty's courts of justice at Westminster or Dublin; and it is expedient to provide for the granting of such superannuation allowance: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the commissioners of his Majesty's Treasury, by any warrant under the hands of any three or more of them, to grant to any commissioners of the said courts respectively who from age or infirmity of body or mind shall be incapable of discharging the duties of his office, or whose office shall be abolished by law, or cease in consequence of the expiration of any Act of Parliament, a superannuation allowance equal to such proportion of the amount of the salary and emoluments of his office as they shall think fit, and to grant to any of the officers of such courts respectively who shall be from age or infirmity of mind or body incapable of discharging the duties of his office, or whose office shall cease or be abolished as aforesaid, a superannuation allowance, in the same manner and upon the same conditions as it could or might now be granted under the provisions of the said in part recited Act of the fourth and fifth years of the reign of his present Majesty, if the officers of the said courts respectively were mentioned in the schedule to that Act annexed.

Accounts of such allowances to be laid before Parliament.

II. PROVIDED always, however, and be it enacted, that a statement of the amount of such superannuation allowance, and the names of the person or persons to whom it was granted, shall be laid before Parliament within one month after the granting thereof, in case Parliament shall be then sitting, and in case Parliament shall not be then sitting, within one month after the next meeting of Parliament.

## CHAPTER XLIII.

AN ACT for enlarging the Powers of Magistrates in the Appointment of Special Constables. [31st August 1835.]

1 & 2 Will. 4. c. 41.

WHEREAS by an Act passed in the first and second years of the reign of his present Majesty, intituled "An Act for amending the laws relative to the appointment of special constables, and for the better preservation of the peace," it is amongst other things enacted, that in all cases where it should be made to appear to any two or more justices of the peace of any county, riding, or division having a separate commission of the peace, or to

any two or more justices of the peace of any liberty, franchise, city, or town in England or Wales, upon the oath of any credible witness, that any tumult, riot, or felony had taken place, or might be reasonably apprehended, in any parish, township, or place situate within the division or limits for which the said respective justices usually act, and such justices should be of opinion that the ordinary officers appointed for preserving the peace are not sufficient for the protection of the inhabitants and the security of the property in any such parish, township, or place as aforesaid, then and in every such case such justices, or any two or more justices acting for the same division or limits, are thereby authorized to nominate and appoint, by precept in writing under their hands, so many as they should think fit of the householders or other persons (not legally exempt from serving the office of constable) residing in such parish, township, or place as aforesaid, or in the neighbourhood thereof, to act as special constables for such time and in such manner as to the said justices respectively should seem fit and necessary for the preservation of the public peace, and for the protection of the inhabitants and the security of the property in such parish, township, or place: And whereas it is expedient that the power of appointing special constables given by the said Act should be extended in manner herein-after mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all persons willing to act as special constables under the provisions of the said Act shall be capable of being appointed and acting and may be appointed and act as such special constables, notwithstanding they may not be resident in such parish, township, or place as aforesaid, or in the neighbourhood thereof; and every person appointed and acting as special constable under the provisions of this Act shall have all the same powers, and be entitled to and enjoy all the same privileges and benefits, and be subject to all the same duties and liabilities, as the special constables appointed or to be appointed under the provisions of the said Act.

Persons may be appointed as special constables in other parishes than those in which they reside.

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## CHAPTER L.

AN ACT to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England. [31st August 1835.]

WHEREAS it is expedient to amend the laws relating to highways in that part of Great Britain called England, and to consolidate the same in one Act, and to make other provisions respecting highways: . . . . .

\* \* \* \* \*

V. AND be it further enacted, that in the construction of this Act the word "surveyor" shall be understood to mean surveyor of the highways, or waywarden; the word "parish" shall be construed to include parish, township, tithing, rape, vill, wapentake, division, city, borough, liberty, market town, franchise, hamlet, precinct, chapelry, or any other place or district maintaining its own highways; and wherever anything in this Act is prescribed to be done by the inhabitants of any parish in vestry assembled, the same shall be

Interpretation of terms.  
"Surveyor."  
"Parish."

Vestry.

construed to extend to any meeting of inhabitants contributing to the highway rates in places where there shall be no vestry meeting, provided the same notice shall have been given of the said meeting as would be required by law for the assembling of a meeting in vestry ; and that the word "highways" shall be understood to mean all roads, bridges (not being county bridges), carriageways, cartways, horseways, bridlevays, footways, causeways, churchways, and pavements ; and that the word "justices" shall be understood to mean justices of the peace for the county, riding, division, shire, city, town, borough, liberty, or place in which the highway may be situate or in which the offence may be committed ; and that the word "church" shall be understood to include chapel ; and that the word "division" shall be understood to include limit ; and that the word "owner" shall be understood to include occupier ; and "inhabitant" to include any person rated to the highway rate ; and the words "petty session" or "petty sessions" to mean the petty session or petty sessions held for the division or place ; and wherever in this Act, in describing or referring to any person or party, animal, matter, or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several animals, matters, or things as well as one animal, matter, or thing, respectively, unless there be something in the subject or context repugnant to such construction ; and all the powers hereby given to, and notices, matters, and things required for, and duties, liabilities, and forfeitures imposed on surveyors, shall be applicable to all persons, bodies politic or corporate, liable to the repair of any highway.

Powers, &c. of surveyors shall apply to all persons liable to repair highways.

Surveyor to be elected annually.

VI. AND be it further enacted, that the inhabitants of every parish maintaining its own highways, at their first meeting in vestry for the nomination of overseers of the poor in every year, shall proceed to the election of one or more persons to serve the office of surveyor in the said parish for the year then next ensuing : Provided always, that any outgoing surveyor shall continue to act until his successor shall be appointed, and shall be re-eligible, and may be re-elected, and shall in such case continue to act and remain in office, anything herein contained to the contrary notwithstanding ; and in such case notice of such election shall be given by the chairman to the person elected, and to the outgoing surveyor : Provided always, that in any parish where there is no meeting in the year for the nomination of overseers of the poor the inhabitants contributing to the highway rate shall meet at their usual place of public meeting upon the twenty-fifth day of March, or if that should happen to be a Sunday or Good Friday, then on the day next following, or within fourteen days next after the said twenty-fifth day of March in every year, to elect one or more persons to serve the office of surveyor for the said parish ; which surveyor shall repair and keep in repair the several highways in the said parish for which he is appointed, and which are now or hereafter may become liable to be repaired by the said parish.

Qualification of surveyor.

VII. AND be it further enacted, that any person living within the parish or any adjoining parish, and having an estate in houses, lands, tenements, or hereditaments lying within such parish, in his own right or in right of his wife, of the value of ten pounds by the year, or a personal estate of the value of one hundred pounds, (such person not living within the parish being

willing to serve the office,) or being an occupier or tenant of houses, lands, tenements, or hereditaments (whether resident within the parish or within any adjoining parish) of the yearly value of twenty pounds, shall be eligible to be elected a surveyor for the purposes of this Act: Provided nevertheless, that no person who is now exempted by law from serving the office of overseer of the poor shall be compellable to serve the office of surveyor: Provided also, that any person who may be chosen and elected to serve the said office of surveyor may provide a sufficient deputy, such deputy to be approved of by the justices at a special sessions for the highways, who shall by writing under their hands testify their consent thereto.

Surveyor may provide deputy

VIII. AND be it further enacted, that if any person who shall be so chosen and elected, and who is not exempt as aforesaid from serving the said office, shall refuse or neglect to take upon himself the office of surveyor, or to provide a sufficient deputy, to be approved of as aforesaid, he shall forfeit on conviction before any two justices any sum not exceeding twenty pounds, unless he can show to the said justices good and sufficient cause why he should not be called upon to serve the said office: Provided also, that every deputy so provided and approved of shall have the same powers and authorities, and be subject to the discharge of the same duty, and be liable to the same penalties, as any surveyor appointed under the authority of this Act.

Penalty on surveyor not acting, &c. when chosen.

IX. AND be it further enacted, that, instead of electing such surveyor as herein-before mentioned, it shall be lawful for the majority of the inhabitants so assembled as aforesaid in any parish for the election of surveyors as aforesaid to nominate and elect any one person of skill and experience to serve the said office of surveyor of such parish, and to fix such salary for the execution of such office as they shall think fit; which said appointment shall be in writing on paper without stamp, and signed by the chairman of such meeting; and such surveyor, when so appointed, shall be invested with the same powers, and subject to the same duties, forfeitures, and penalties, as any surveyor appointed under the authority of this Act would have been; and such salary shall be paid out of the money raised under the authority of this Act, at such times and in such manner as shall have been agreed upon between the inhabitants so assembled as aforesaid and the person so nominated and elected as aforesaid: Provided nevertheless, that if such surveyor shall cease to act, and be dismissed in the manner herein-after described, such salary shall also in like manner cease and determine.

Surveyor may be appointed with a salary.

X. AND be it further enacted, that the surveyor or surveyors, at the time of passing his or their accounts as herein mentioned, shall deliver to the justices a statement in writing of the name and residence of the person appointed to succeed him or them as surveyor or surveyors.

Surveyor, on verifying his accounts, to state his successor.

XI. AND be it further enacted, that in case it shall appear on oath to the justices at a special sessions for the highways that the inhabitants of any parish have neglected or refused to nominate and elect a surveyor or surveyors in manner and for the purposes aforesaid, or that the outgoing surveyor, except he had been directed by the inhabitants so to do, has delivered no statement of the name and residence of his or their successor or successors, or that the surveyor is dead, or has ceased to possess the qualification, or is or has become disqualified in any manner herein mentioned, or that he has neglected to act or refused to carry into operation the duties imposed upon

Justices in certain cases may appoint a surveyor.

him by this Act, it shall and may be lawful for such justices, and they are hereby authorized and required, by writing under their hands, at their next succeeding special sessions for the highways, to dismiss such surveyor so neglecting to act, or refusing to carry into operation the duties imposed upon him by this Act, and to appoint any person whom they may think fit to be a surveyor for such parish till the annual meeting then next ensuing for the nomination of overseers or for the election of surveyors as aforesaid, and with or without such salary as to the said justices shall seem fit and proper; and the said surveyor when so appointed shall be invested with the same powers, and be subject to the same duties, forfeitures, and penalties, as any surveyor elected by the inhabitants of any parish as aforesaid would have been.

Appointment of such surveyor when parish is situate in more than one county.

XII. AND be it further enacted, that when a parish is situated in more than one county, division, or liberty, the surveyor so to be appointed as last aforesaid shall be appointed by the justices at a special sessions for the highways assembled in that county, division, or liberty in which the church of the said parish shall be situate.

Parishes may direct application to be made to justices at sessions for formation of districts.

XIII. AND whereas it is expedient that in many cases parishes should be formed into districts for the purpose of having one sufficient person to be the district surveyor, who should have the superintendence and management of the funds to be raised and levied under the provisions of this Act in each parish forming part of such district: Be it therefore enacted, that it shall and may be lawful for the inhabitants of any parish in vestry assembled, if they shall think fit, to empower and direct one of the churchwardens of such parish, or the chairman of the said vestry, to make application to the justices assembled at the quarter sessions for the county, or, where the parishes to be united shall be situated in the same division, at some special sessions for the division in which such parish shall be situate, for the purpose of being united with one or more parishes to form a district for the purposes aforesaid, and at the same time to nominate one fit and proper person to be returned to the said justices to be appointed as such district surveyor, together with the amount of the yearly salary which the said inhabitants in such vestry assembled shall agree to pay to such district surveyor; which application, with the name of such last-mentioned person, shall be forthwith made in writing signed by the churchwardens of the said parish, or by the chairman of the said vestry as aforesaid, and forwarded to the clerk of the peace in and for the said county or to the clerk of the justices in and for the said division, as the case may be, who shall lay the same before the justices at the quarter sessions then next holden in and for the said county, or at the special sessions as aforesaid.

Justices at sessions may unite such parishes into districts, and select and appoint a district surveyor.

XIV. AND be it further enacted, that on such application as aforesaid being made by two or more parishes to the said justices, they are hereby authorized, at the said quarter sessions or at some special sessions as aforesaid, to take the same into their consideration, and to unite such and so many of the parishes so applying as aforesaid as they shall think fit into a district or districts for the purposes of this Act; and the said justices shall select and appoint out of the persons so nominated as aforesaid by the several parishes so united into one district one fit and competent person to be the surveyor for such district composed as aforesaid, which appointment shall be in writing.

XV. AND be it further enacted, that the names of the said parishes so united, and the name of the person so appointed as district surveyor, shall be reduced into writing, signed by the chairman of the said quarter sessions, or by the majority of the magistrates present at such special sessions, and shall be transmitted by him or them to the clerk of the peace, who shall lay the same before the justices assembled at the quarter sessions in and for the said county, or at some adjournment thereof, who are hereby authorized and required to cause the same to be enrolled with the records of the court; and a copy thereof shall be sent by such clerk of the peace to each of the churchwardens or the surveyor of each of the said parishes so united; and such parishes so united shall continue to form a district for the purposes of this Act for the space of three years then next following, and from thenceforward until the churchwarden of any one of the said parishes so united or the chairman of the vestry shall, by direction and in pursuance of a resolution of the inhabitants in vestry assembled, give twelve months notice to the churchwardens and surveyor of each of the other parishes, and to the said district surveyor appointed by the said justices, and to the clerk of the peace of the county in which the said parishes are situate, of the intention of the said parish to cease to form a part of the said district; in which case, from and after the expiration of the said twelve months notice, the union of the said parishes into such district as aforesaid, and the appointment of the said district surveyor, shall cease and determine, so far as may concern or be binding on the said parish so giving such notice as aforesaid.

Names of parishes and of district surveyor to be recorded, and a copy thereof sent to each churchwarden, &c.

Parishes when united to form a district for three years, and until twelve months after any one parish shall give notice of intention to cease to form one of said district.

XVI. AND be it further enacted, that such district surveyor when so appointed shall for all the purposes of this Act, except the making, assessing, and levying the rate in and by this Act authorized to be made, assessed, and levied, have, as far as the same are applicable, the same powers, and be subject and liable to the same duties, penalties, and forfeitures, as any surveyor elected under the provisions of this Act is invested with and liable to, and shall have the laying out and application of all the funds raised and levied under the authority of this Act: Provided nevertheless, that such district surveyor shall not expend any monies levied in any one of the said united parishes except for the use and benefit of the parish in which it is so levied, unless with the consent of the inhabitants of such parish in vestry assembled, for the purpose of carrying on repairs or beneficial improvements under the provisions of this Act for the common benefit of the said united parishes; and such district surveyor shall annually receive from each of the parishes composing his district respectively such salary as shall have been agreed upon by the several parishes in manner aforesaid, which salary shall be paid to such district surveyor by the surveyor of the highways out of the money raised in each of such parishes under the authority of this Act; and in case of nonpayment thereof the same shall be recoverable from the surveyors of the highways of such parishes, to and for his own use, in the same manner as any forfeiture is recoverable under this Act.

District surveyor to have power, &c. of surveyor, except as to levying rate.

Salary of district surveyor.

XVII. AND be it further enacted, that in each of the parishes so united into a district as aforesaid a surveyor shall be elected, as herein mentioned, in addition to the district surveyor so appointed as aforesaid: Provided nevertheless, that such surveyor shall only be authorized and required to make,

When parishes are united, a surveyor to be appointed in each to levy rate.



assess, and levy the rate herein directed to be made, assessed, and levied, and from time to time pay over the money arising therefrom to such district surveyor.

Appointment,  
&c. of a board  
for repair of  
highways in  
populous  
parishes.

XVIII. AND whereas it is expedient in large and populous parishes that the repairs of the highways should be under the direction and control of a certain number of inhabitants, to be chosen and appointed as a board for that purpose, with necessary powers: Be it therefore further enacted, that in any parish where the population by the then last census taken from the returns made to Parliament exceeds the number of five thousand, if it shall be determined by a majority of two thirds of the votes of the vestrymen present at such meeting as aforesaid to form a board for the superintendence of the highways of the said parish, and for the purpose of carrying the provisions of this Act into effect, it shall be lawful for the said vestry to nominate and elect any number of persons, not exceeding twenty nor less than five, being respectively householders, and residing in and assessed to the rate for the relief of the poor of the said parish, and also liable to be rated to the repair of the highways in the said parish under and by virtue of this Act, to serve the office of surveyors of the highways for the year ensuing; and such persons so to be nominated and elected as such surveyors, or any three of them, shall and are hereby authorized to act as a board, and to be called "The Board for Repair of the Highways in the Parish of" (as the case may be), and to carry into effect the powers, authorities, and directions in this Act contained; and such board are hereby authorized to appoint a collector or any number of collectors of the rates to be made under the authority of this Act, and also to employ a person of skill and experience to act as an assistant surveyor to the said board, and also a clerk to attend the said board, and to keep the accounts and minutes of the proceedings thereof, such assistant surveyor and clerk to be paid such reasonable salaries out of the said rates as the said board shall determine; and upon such board being so nominated and elected as aforesaid all and every the powers and authorities given and created by this Act and granted to or vested in the vestry, and in any person or persons as surveyor, shall, for the purposes of the parish so nominating and electing such board, be and the same are hereby declared to be vested in the said persons so to be elected, or any three of them, acting as such board as aforesaid; and such persons or any three of them, at a meeting to be convened for that purpose, may and they are hereby authorized to nominate and appoint a fit and proper person to be treasurer for the deposit of the monies to be collected for the purposes of this Act, and to take from such person good and sufficient security for the monies to be deposited in his hands as aforesaid; and all monies to be drawn from such treasurer for the purposes of this Act shall be drawn by drafts or cheques to be signed by the said persons so to be nominated and elected as aforesaid, or any three of them, at some one of their meetings to be held under this Act, and such drafts shall be respectively signed and entered in their books by the said clerk to be appointed as aforesaid: Provided always, and it is hereby declared, that upon the expiration of the year for which such board shall be elected as aforesaid, and before or on the day for the nomination and election of persons as surveyors under the authority of this Act, the said board shall and are hereby

directed to present to the vestry of the parish for which they shall have acted copies of all their accounts and also of the minutes of their proceedings during the preceding year.

XIX. AND be it further enacted, that it shall and may be lawful to and for such board to rent, or, with the consent of the vestry of any parish, to purchase a fit and convenient piece of ground or other premises for the keeping of the implements and materials necessary for the reparation of the highways, or for the preparing the materials for the same respectively, and to determine and direct how and in what manner the highways in the said parish, or any or either of them, or any and what part or parts thereof, shall be curbed or paved with stone or otherwise.

Board may hire or purchase premises ;

and determine as to paving, &c. of highways.

XX. AND be it further enacted, that if any surveyor or district surveyor or assistant surveyor shall neglect his duty in anything required of him by this Act, for which no particular penalty is imposed, he shall forfeit for every such offence any sum not exceeding five pounds.

Penalty on surveyor, &c. for neglect of duty.

XXI. AND be it further enacted, that if any bridge shall hereafter be built, which bridge shall be liable by law to be repaired by and at the expense of any county or part of any county, then and in such case all highways leading to, passing over, and next adjoining to such bridge shall be from time to time repaired by the parish, person, or body politic or corporate, or trustees of a turnpike road, who were by law before the erection of the said bridge bound to repair the said highways : Provided nevertheless, that nothing herein contained shall extend or be construed to extend to exonerate or discharge any county or any part of any county from repairing or keeping in repair the walls, banks, or fences of the raised causeways and raised approaches to any such bridge, or the land arches thereof.

Repair of highways adjoining county bridges hereafter built.

XXII. AND be it further enacted, that the several powers and authorities hereby vested in the surveyor of highways, as well for the getting of materials as the preventing and removing of all nuisances and annoyances, shall be and the same are hereby vested in the surveyor of county bridges, and the roads at the ends thereof repairable therewith ; and the several penalties, forfeitures, matters, and things in this Act contained relating to highways shall be and the same are hereby extended and applied, as far as the same are applicable, to such bridges, and the roads at the ends thereof as aforesaid, the said surveyor or surveyors of county bridges making satisfaction and compensation for all trespass and damage done in the execution of the powers of this Act, in such and the same manner as the surveyors of highways are required to make under the provisions of this Act.

Powers for getting materials and preventing nuisances to extend to county bridges, and roads at the ends thereof.

XXIII. AND be it further enacted, that no road or occupation way made or hereafter to be made by and at the expense of any individual or private person, body politic or corporate, nor any roads already set out or to be hereafter set out as a private driftway or horsepath in any award of commissioners under an Inclosure Act, shall be deemed or taken to be a highway which the inhabitants of any parish shall be compellable or liable to repair, unless the person, body politic or corporate, proposing to dedicate such highway to the use of the public, shall give three calendar months previous notice in writing to the surveyor of the parish of his intention to dedicate such highway to the use of the public, describing its situation and extent, and shall have made or shall make the same in a substantial manner and of the width required by

When new highways are to be kept in repair by parishes.

this Act, and to the satisfaction of the said surveyor and of any two justices of the peace of the division in which such highway is situate, in petty sessions assembled, who are hereby required, on receiving notice from such person or body politic or corporate, to view the same, and to certify that such highway has been made in a substantial manner, and of the width required by this Act, at the expense of the party requiring such view, which certificate shall be enrolled at the quarter sessions holden next after the granting thereof, then and in such case, after the said highway shall have been used by the public, and duly repaired and kept in repair by the said person, body politic or corporate, for the space of twelve calendar months, such highway shall for ever thereafter be kept in repair by the parish in which it is situate: Provided nevertheless, that on receipt of such notice as aforesaid the surveyor of the said parish shall call a vestry meeting of the inhabitants of such parish; and if such vestry shall deem such highway not to be of sufficient utility to the inhabitants of the said parish to justify its being kept in repair at the expense of the said parish, any one justice of the peace, on the application of the said surveyor, shall summon the party proposing to make the new highway to appear before the justices at the next special sessions for the highways to be held in and for the division in which the said intended highway shall be situate; and the question as to the utility as aforesaid of such highway shall be determined at the discretion of such justices.

Direction posts,  
&c., where and  
how to be  
erected.

XXIV. AND be it further enacted, that the surveyor of every parish, other than a parish the whole or part of which is within three miles of the General Post Office in the city of London, shall, with the consent of the inhabitants of any parish in vestry assembled, or by the direction of the justices at a special sessions for the highways, cause (where there are no such stones or posts) to be erected or fixed in the most convenient place where two or more ways meet, a stone or post, with inscriptions thereon in large legible letters, not less than one inch in height, and of a proper and proportionate breadth, containing the name of the next market town, village, or other place to which the said highways respectively lead, as well as stones or posts to mark the boundaries of the highway, containing the name of the parish wherein situate; and that the surveyor of every parish shall, at the several approaches or entrances to such parts of any highways as are subject to deep or dangerous floods, cause to be erected graduated stones or posts as he shall judge to be necessary for the guiding of travellers in the best and safest track through the floods, and also to secure horse causeways and foot causeways, by posts, blocks, or stones fixed in the ground, or by banks of earth cast up or otherwise, from being passed over and spoiled by waggons, wains, carts, or carriages; and the said surveyor shall be reimbursed, out of the monies which shall be received by him pursuant to the directions of this Act, the expenses of providing and erecting and of keeping in repair such stones, posts, or blocks already erected or fixed, or which may hereafter be erected or fixed.

Power to use  
adjoining  
ground as a  
temporary  
road, where  
highway is  
ruinous, &c.

XXV. AND be it further enacted, that it shall be lawful for the surveyor to make a road through the grounds adjoining to any ruinous or narrow part of any highway (not being the site or ground whereon any house stands, nor being a garden, lawn, yard, court, park, paddock, plantation, planted walk or avenue to any house, or inclosed ground set apart for building

ground or as a nursery for trees,) to be made use of as a public highway whilst the old road is repairing or widening, making such recompence to the proprietor and occupier of such grounds for the damages they may thereby sustain as the justices at a special sessions for the highways assembled may think reasonable; such sum so awarded as a recompence to be recoverable in the same manner as any fines and forfeitures are recoverable under this Act.

XXVI. AND be it further enacted, that if any impediment or obstruction shall arise in any highways from accumulation of snow, or from the falling down of the banks on the side of such highways, or from any other cause, the surveyor is required from time to time, and within twenty-four hours after notice thereof from any justice of the peace of the county in which the parish may be situate, to cause the same to be removed.

Surveyor to  
remove snow,  
&c.

XXVII. AND in order to raise money for carrying the several purposes of this Act into execution, be it further enacted, that a rate shall be made, assessed, and levied by the surveyor upon all property now liable to be rated and assessed to the relief of the poor; provided that the same rate shall also extend to such woods, mines, and quarries of stone, or other hereditaments, as have heretofore been usually rated to the highways; and provided also, that every such rate shall be signed by the said surveyor, and allowed by two justices of the peace, and published, in the same way as poor rates are now allowed and published.

Surveyor to  
make rate.

XXVIII. AND in order to enable the surveyor to form a proper judgment of any rate to be made in pursuance of this Act, be it further enacted, that it shall be lawful for the surveyor, and he is hereby authorized and empowered, at all reasonable times, to inspect, or by writing signed by him to grant authority to any person appointed by him to inspect, any of the rates made towards the relief of the poor of the parish of which he is surveyor, or the books wherein the assessments thereto shall be entered, without fee or reward; and the surveyor or person by him authorized as aforesaid shall be allowed to make a copy of such rate or books, or to take any extracts therefrom; and if any person in whose custody or power any of the said rates or books shall be shall, when thereunto required in manner aforesaid, refuse or neglect to produce the same to the surveyor, or person so by him authorized as aforesaid, as the case may be, or to allow such copy or extract to be made or taken, at all reasonable hours in the daytime, he shall for every such offence forfeit and pay any sum not exceeding five pounds.

Surveyor may  
inspect rate  
book, and  
obtain copies  
or extracts.

XXIX. AND be it further enacted, that every rate shall contain the names of the occupiers, the description of the premises or property they occupy, and the full annual value of such premises or property, and shall also specify the sum in the pound at which it is made; and no rate to be levied or assessed as aforesaid shall exceed at any one time the sum of tenpence in the pound or the sum of two shillings and sixpence in the pound in the whole in any one year: Provided nevertheless, that, with the consent of four fifths of the inhabitants of any parish contributing to the highway rate assembled at a meeting specially called for that purpose, ten days previous notice of the same having been given by the surveyor of the said parish, the rate to be levied and assessed as aforesaid may be increased to such sum as the said inhabitants so assembled may think proper.

Form and  
amount of rate.

Surveyor to have power to enforce composition for rate, &c. in certain parishes.

XXX. PROVIDED always, and be it further enacted, that in parishes in which the overseers of the poor have power by Local Acts of Parliament to compound with or require composition for poor rates from the landlords of certain houses, tenements, or hereditaments, and, in case of their refusal to compound, to rate such landlords as the occupiers, the surveyor shall have the same powers, remedies, and privileges to compound and enforce composition, and, in case of refusal by the landlords, to assess them in the same proportions to the rates authorized to be made by this Act, as the overseers of the poor have by such Acts for assessing and recovering any rate made for the relief of the poor, or the compositions entered into for the same.

Errors in rates may be rectified.

XXXI. AND be it further enacted, that whenever it shall appear to the said surveyor as aforesaid that there has been any omission or error in any rate or assessment made in pursuance of this Act of or in the name of any person, parson, or vicar, or of any house, shop, warehouse, coach-house, stable, cellar, vault, building, workshop, manufactory, garden ground, land, tenement, wood, tithe, mines, pits, or quarries of any mineral, stone, or other matter whatsoever, or hereditament liable to be rated for the purposes of this Act, it shall be lawful for the said surveyor as aforesaid, with the consent and approbation of the justices at a special sessions for the highways, to cause to be added or corrected in the said rate or assessment the name of the person, parson, or vicar omitted or erroneously stated, and a description of the property in respect of which he ought to be rated; and every such addition or correction made in any of the said rates, and signed by such justices, shall be as valid and effectual as if the same had been part of the original rate at the time when it was first made.

Persons may be excused by justices from payment of highway rate on account of poverty.

XXXII. AND be it further enacted, that it shall and may be lawful for the justices at a special sessions for the highways, on application made to them by any person rated to any rate under the authority of this Act to be discharged therefrom, on proof of his inability through poverty to pay such rate, the surveyor having been first summoned to appear on the part of the parish, to order and direct that such person shall be excused from the payment of such rate; and which order of the said justices is hereby declared to be final with respect to such rate.

Certain persons to be exempt from payment of highway rate.

XXXIII. AND be it further enacted, that when property, or the owner or occupier in respect thereof, has, previous to the passing of this Act, been legally exempt from the performance of statute duty, or from the payment of any composition in lieu thereof, or of highway rate, the said property and the owners and occupiers thereof shall be exempt from the payment of the rate hereby imposed.

Powers, &c. of surveyor for recovery of rate.

XXXIV. AND be it further enacted, that for levying and recovering the said rate by this Act authorized to be made the surveyor shall have the same powers, remedies, and privileges as the overseers of the poor in the parish have by law for the recovery of any rate made for the relief of the poor.

Ratepayers may divide among themselves the conveyance of stone, &c. for repair of highways; which shall be paid

XXXV. AND be it further enacted, that it shall be lawful for two ratepayers of any parish, within six days next after the annual appointment of the surveyor, by a notice in writing, to require the said surveyor to call a meeting of the ratepayers of the said parish for the purpose hereafter mentioned, and the said surveyor shall call such meeting within eight days after the receipt of such notice, and shall give six days previous intimation of such meeting;

and if at such meeting a majority of the ratepayers then and there assembled shall signify their consent thereto, it shall and may be lawful for the ratepayers keeping a team or teams of two or more horses or beasts of draught to divide among themselves, in proportion to the amount of rate to which they may respectively be assessed, the carrying of the material which may be required by the said surveyor for the repairs of the highways within such parish; and that they shall be paid by the said surveyor for such carrying or task-work, within one calendar month after having performed such service, after such rate per cubic yard of material per mile, and so in proportion for any less distance than a mile, as shall be fixed by the justices at their first meeting in special sessions for the highways after the twenty-fifth day of March in every year, which rate the said justices are hereby required to fix at such special sessions: Provided always, that such carrying or task-work shall be performed at such times and places and in such manner as the said surveyor may direct (the periods of spring, seed-time, and harvest always excepted); and that in case the said surveyor shall not approve of the manner in which such carrying or task-work shall be performed, it shall be lawful for the justices at a special sessions for the highways to hear the complaint of such surveyor in that respect, and to award such pecuniary redress or forfeiture against the party offending as to them shall appear reasonable.

for by the  
surveyor.

XXXVI. AND be it further enacted, that the surveyor of any parish, the consent of the majority of the inhabitants in vestry assembled being first had and obtained, may from time to time appoint any number of collectors of the said rates, and may remove any such collector, and appoint another in his stead, and make such allowance to such collector out of the monies to be received under this Act, as the said inhabitants in vestry assembled shall think reasonable; and the said collector is hereby declared to have all the same powers, remedies, and privileges for the levying and enforcing the payment of such rates as the surveyor nominated or appointed under the authority of this Act.

Surveyor, with  
consent of  
vestry, may  
appoint col-  
lectors of rates.

XXXVII. AND be it further enacted, that it shall be lawful for the said surveyor and he is hereby required to take security from every collector appointed by virtue of this Act for the due execution of his office of collector; which security shall be to the full amount of the sum likely to be in the hands of the said collector at any one time, and shall be by bond without stamp.

Security to be  
taken from  
collector.

XXXVIII. AND be it further enacted, that every collector appointed by virtue of this Act shall, under his hand, and at such time and in such manner as the surveyor may direct, deliver to the said surveyor as aforesaid true and perfect accounts in writing of all monies which shall have been by such collector received by virtue of this Act, and also a list of the names of all such persons as shall have neglected or refused to pay their respective rates, and of the monies due from them respectively; and that every such collector shall pay all such monies as shall remain due from him to the said surveyor as aforesaid; and if any such collector shall refuse or neglect to make and render such account, or to produce and deliver up the list of persons neglecting and refusing to pay their rates as aforesaid, or to make payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said surveyor as aforesaid, or to such person as he shall appoint to receive the same, within three days after being thereunto required by the said surveyor as aforesaid, by notice in

Collector  
to deliver  
accounts of all  
monies received  
under this Act,  
&c.

writing under his hand given to or left at the usual place of abode of such collector, all books, papers, and writings in his custody or power relating to the execution of this Act, or to give satisfaction to the said surveyor as aforesaid respecting the same, then and in every such case, upon complaint made by the said surveyor as aforesaid of any such refusal or wilful neglect as aforesaid to any justice of the peace, such justice may and he is hereby authorized and required to issue a summons under his hand for the collector so refusing or neglecting to appear before any two justices of the peace; and upon the said collector appearing, or having been so summoned and not appearing without some sufficient or reasonable excuse, or not being found, it shall be lawful for the said two justices to hear and determine the matter; and if upon confession of the party, or by the testimony of any credible witness on oath, it shall appear to such justices that any monies remain due from such collector, such justices may and they are hereby authorized and required, upon nonpayment thereof, by warrant under their hands to cause such money to be levied by distress and sale of the goods and chattels of such collector; and if no goods and chattels of such collector shall be found sufficient to answer and satisfy the said money and the charges of distraining and selling the said goods and chattels, then and in every such case such justices shall and they are hereby required to commit such offender to the common gaol or house of correction for the county, city, or place where such offender shall be or reside, there to be kept to hard labour for a period not exceeding six calendar months, or until he shall have paid such monies as aforesaid or compounded with the surveyor as aforesaid for such money (which composition the said surveyor, with the consent of the inhabitants in vestry, or, in any parish where they do not meet in vestry, with the consent of the inhabitants contributing to the highway rate at a public meeting assembled, is hereby empowered to make and receive); or if it shall appear to such justices that such collector had refused or wilfully neglected to render and give such accounts, or to produce and deliver the list of persons neglecting and refusing to pay their rates as aforesaid, or that any books, papers, or writings relating to the execution of this Act remained in the hands or in the custody or power of such collector, and he refused or wilfully neglected to deliver or give satisfaction respecting the same as aforesaid, then and in every such case such collector shall, on conviction thereof, forfeit for such offence any sum not exceeding twenty pounds, and in default of payment thereof shall be committed to the common gaol or house of correction for the county, city, or place where such offender shall be or reside, there to be kept to hard labour for a period not exceeding four calendar months, or until he shall have given a true and perfect account as aforesaid, and deliver such list as aforesaid, and delivered up such books, papers, and writings, or give satisfaction in respect thereof to the said surveyor: Provided always, that no conviction or imprisonment of such collector as aforesaid shall exonerate or discharge any security taken from him on his appointment as aforesaid.

Surveyor to keep separate accounts of money levied for highway rate.

XXXIX. AND be it further enacted, that the surveyor in every parish shall keep separate and distinct accounts of the monies levied for the highway rate; and such accounts shall specify the different sums and the times when and the persons to whom and by whom the same shall have been collected and paid.

**XL.** AND be it further enacted, that the said surveyor, district surveyor, or assistant surveyor, as the case may be, shall and he is hereby required from time to time to keep a book, in which shall be entered a just and true and particular account of all money which shall have come to his hands as surveyor, district surveyor, or assistant surveyor of the parish for the purposes of this Act, and to whom, and on what occasion, and for what work, and in what place, and on what day he shall have paid or applied the same, and also an account of all tools, materials, implements, and other things provided by him for the repair of the said highways; and such book shall at all reasonable times be open to the inspection of every inhabitant rated to the highway rate of the parish, or of any of the parishes united into a district, without fee or reward, and every such inhabitant may take copies or extracts from the said book, or any part thereof, without paying for the same; and in case the said surveyor, district surveyor, or assistant surveyor shall neglect to provide such book, or to enter therein every sum received or paid by him within one week after the same shall have been received or paid, or shall refuse to permit or shall not permit any such inhabitant as aforesaid at any reasonable time to inspect the same or take copies or extracts as aforesaid, such surveyor, district surveyor, or assistant surveyor shall forfeit and pay any sum not exceeding five pounds for each default, to be levied and applied in manner herein provided.

Surveyor, &c to keep books, and accounts of monies received, &c.;

which shall be open to inspection of rated inhabitants.

**XLI.** AND be it further enacted, that all the said books, papers, writings, and accounts, and all materials, tools, and implements which shall be provided in pursuance of this Act for repairing or preserving the highways, and also the scrapings of the said highways, shall be vested in the surveyor for the time being; or in case a district surveyor shall be appointed, then all such books, papers, writings, and accounts, and all materials, tools, implements, and scrapings, shall be invested in the district surveyor.

The property in all books, &c. to be vested in surveyor.

**XLII.** AND be it further enacted, that the said surveyor, district surveyor, or assistant surveyor shall, within fourteen days after leaving his office, deliver such books and accounts, verified as herein directed, together with all such sums of money as shall be due from him, and likewise all tools, materials, implements, and other things as aforesaid, to his successor in office, or retain the same in his hands, and account for them in his next account, if he shall be continued surveyor or district surveyor of such parish in the succeeding year; and in case such surveyor or district surveyor shall neglect to deliver within such time as aforesaid the said books, papers, writings, and accounts, and such tools, materials, implements, and other things, in manner aforesaid, he shall for every such offence forfeit any sum not exceeding five pounds; and in case he shall make default in the paying or accounting for the money so due from him within the time and according to the directions aforesaid, he shall forfeit double the money so due.

Surveyor, on quitting office, to deliver books, &c. to succeeding surveyor.

Penalty for neglect.

**XLIII.** AND be it further enacted, that in case of the death of any such surveyor, district surveyor, or assistant surveyor before he shall have paid and fully satisfied all the monies which he shall have received by virtue of this Act, then and in every such case the executors or administrators of such surveyor, district surveyor, or assistant surveyor so dying shall pay and satisfy the same, out of his estate and effects, unto the succeeding surveyor, district surveyor, or assistant surveyor, in like manner as other debts are directed by law to be discharged by such executors or administrators, and also shall deliver

In case of death of surveyor, his executors shall account.



up all books, papers, writings, assessments, tools, materials, and implements, and other things concerning his office, which shall have come to the hands of such executors or administrators; who shall and may plead such payment in any action or suit which may be brought against them on account of the said estate and effects, and give the same in evidence; and in case of the nonpayment of such monies, or the nondelivery of such books, papers, writings, assessments, tools, materials, implements, and things, for the space of one calendar month after demand made thereof in writing by or on behalf of the said succeeding surveyor, it shall be lawful for the said succeeding surveyor to commence and prosecute an action or actions in any of his Majesty's courts of record at Westminster, against such executors or administrators, for the recovery of the said monies, or for the recovery of damages for the detention of such books, papers, writings, assessments, tools, materials, implements, and things; in which action or actions full costs of suit shall be recovered by the said succeeding surveyor.

Surveyor's accounts to be laid before vestry, and before justices at a special sessions for the highways.

XLIV. AND be it further enacted, that, within fourteen days after the election or appointment of surveyor, as herein directed, the accounts as aforesaid made in writing, and signed by the surveyor, district surveyor, or assistant surveyor, for the year preceding, of all monies received and disbursed by virtue of this Act, ending on the day of the election or appointment of surveyor, shall be made up, balanced, and laid before the parishioners in vestry assembled, who may, if they think fit, order an abstract thereof to be printed and published; and within one calendar month after the election or appointment of surveyor as herein directed, the said accounts shall be signed by the surveyor, district surveyor, or assistant surveyor for the year preceding, and laid before the justices of the peace at a special sessions for the highways holden at the place nearest to the parish or district for which such surveyor shall have been appointed, and such justices are hereby authorized and required to examine him as to the truth of the said accounts, or of any charge contained therein: Provided always, that if any person chargeable to the rate authorized to be made by this Act has any complaint against such accounts, or the application of the monies received by the said surveyor, it shall be lawful for any such inhabitant to make his complaint thereof to such justices at the time of the verification of such accounts as aforesaid, and the said justices are hereby required to hear such complaint, and, if they shall think fit, to examine such surveyor upon oath, and to make such order thereon as to them shall seem meet: . . . . .

Justices to hold special sessions in every year for purposes of this Act.

XLV. AND be it further enacted, that it shall and may be lawful for the justices of the peace within their respective divisions, or any two or more of them, and they are hereby required, to hold not less than eight nor more than twelve special sessions in every year for executing the purposes of this Act, the days of the holding thereof to be appointed at a special sessions to be held within fourteen days after the twentieth day of March in every year: Provided always, that it shall not be necessary to cause any notice to be given or sent to any justice acting and residing within such limits of the day or time of the holding thereof; and at the said special sessions held next after the twenty-fifth day of March in every year the surveyor of each of the parishes within their respective divisions shall verify his accounts, and shall make a return in writing to such special sessions of the state of all the roads, common

At the first of such sessions surveyors shall verify accounts, and make returns

highways, bridges, causeways, hedges, ditches, and watercourses appertaining thereto, and of all nuisances and encroachments, if any, made upon the several highways within the parish for which he was surveyor, as well as the extent of the different highways which the said parish is liable to repair, what part thereof has been repaired, and with what materials, at what expense, and what was the amount levied during the time he was surveyor of the said parish.

XLVI. AND be it further enacted, that in every parish the surveyor may and is hereby authorized, with the consent of the inhabitants in vestry assembled, to contract for purchasing, getting, and carrying the materials required for the repair of the highway; and if any surveyor shall have any part, share, or interest, directly or indirectly, in any contract or bargain for work or materials to be made, done, or provided, upon, for, or on account of any of the highway or other works whatsoever under his care or management, or shall upon his own account, directly or indirectly, use or let to hire any team, or use or sell or dispose of any materials to be used or employed in making or repairing such highway or other works as aforesaid, (unless a licence in writing for the sale of any such materials, or to let to hire any such team, be first obtained from two justices of the peace in special sessions assembled,) he shall forfeit for every such offence, on conviction, any sum not exceeding ten pounds, and be for ever after incapable of being employed as a surveyor with a salary under the authority of this Act.

of the state of the roads, &c.

Surveyor may contract for getting and carrying materials; but shall not share in any contract, or let to hire any team, or dispose of any timber, stones, &c., without licence from two justices.

Penalty.

XLVII. AND be it further enacted, that if any person shall, without the consent of the surveyor, take away materials which shall have been purchased, gotten, dug, or gathered for the repair or use of any highway, or any materials out of any quarry which shall have been made, dug, or opened for the purpose of getting materials for any highway, before the surveyor and his workmen shall have discontinued working therein for the space of six weeks, (except the owner of any private grounds, and persons authorized by such owner to get materials in such quarry for his own private use, and not for sale,) every person so offending shall for every such offence forfeit and pay, on conviction thereof, any sum not exceeding ten pounds.

Penalty on taking away materials purchased for the repair of a highway, &c.

XLVIII. AND whereas, under Acts of Parliament heretofore made and which may hereafter be made for the inclosing of waste land, parcels of land have been and may be expressly allotted to parishes or to the surveyor of the highways for the purpose of obtaining materials for the repair of the highways in such parish, and the materials in such parcels of land have been and may be exhausted: Be it therefore enacted, that in such cases it shall and may be lawful for the surveyor of such parish for the time being, by and with the consent of the vestry, and he is hereby authorized and required, with the consent in writing of the justices of the peace at a special sessions for the highways, to sell and convey to some person whose lands adjoin thereto, or, if he refuse to purchase, to any other person, the said parcels of land from which the said materials have been so exhausted as aforesaid, at and for such price as the said justices may deem fair and reasonable, and with the money arising therefrom, and with such consent as aforesaid, to purchase other lands in lieu thereof.

Land allotted to the parish for materials for repair of highways may be sold when materials are exhausted, &c.

XLIX. AND be it further enacted, that it shall be in the power of tenants for life, ecclesiastical and lay corporations, and the proprietors of entailed estates, and of the trustees and guardians of any person under any legal

Tenant for life, &c. may renounce damages, &c.

disability or incapacity, to give up and renounce every claim of damage or compensation for such ground and materials as any highway may occupy on their respective properties, and that such renunciation shall be equally binding on the heirs and successors of such persons: Provided nevertheless, that such renunciation of claim of damage or compensation be in writing, and signed by such tenant for life, proprietor, trustee, or guardian, in the presence of two witnesses, or in the case of corporations in such manner and form as is usually adopted by such corporations respectively; and such renunciation shall be enrolled at the quarter sessions which shall be held next after the signing or execution thereof.

Persons enfeoffed with lands for maintenance of highways, &c. shall let them to farm at the most improved value, with consent of justices.

L. AND be it further enacted, that when any lands or tenements have been or shall be given for maintenance of highways, the profits and proceeds of which are to be applied and disposed of for no other use, intent, or purpose whatsoever, all persons who are or shall be enfeoffed or trusted with any such lands or tenements shall and they are hereby authorized and required to let them to farm at the most improved yearly value, without fine, for any term not exceeding ninety-nine years: Provided nevertheless, that previous to the granting of such lease the consent of the justices at a special sessions for the highways, neither of such justices being interested therein, by writing under their hands, shall be obtained as to the amount of rent to be received and the duration of the term.

Surveyor may take materials from waste lands, &c.

LI. AND be it further enacted, that it shall and may be lawful for every such surveyor, in any waste land or common ground, river or brook, within the parish for which he shall be surveyor, or within any other parish wherein gravel, sand, stone, or other materials are respectively likely to be found, (in case sufficient cannot be conveniently had within the parish where the same are to be employed, and sufficient shall be left for the use of the roads in such other parish,) to search for, dig, get, and carry away the same, so that the said surveyor doth not thereby divert or interrupt the course of such river or brook, or prejudice or damage any building, highway, or ford, nor dig or get the same out of any river or brook within the distance of one hundred and fifty feet above or below any bridge, nor within the like distance of any dam or weir, and likewise to gather stones lying upon any lands or grounds within the parish where such highway shall be, for such service and purpose, and to take and carry away so much of the said materials as by the discretion of the said surveyor shall be thought necessary to be employed in the amendment of the said highways, without making any satisfaction for the said materials, but satisfaction shall be made for all damages done to the lands or grounds of any person or persons by carrying away the same, in the manner herein-after directed for getting and carrying materials in inclosed lands or grounds; but no such stones shall be gathered without the consent of the owner of such lands or grounds, or a licence for that purpose from two justices at a special sessions for the highways, after having summoned such owner to come before him, and heard his reasons, if he shall appear and give any, for refusing his consent.

Proviso against taking materials from sea beach in certain cases.

LII. PROVIDED always, and be it further enacted, that nothing in this Act contained relative to the gathering or getting of stones or other materials shall extend to any quantity of stones or other materials thrown up by the sea, commonly called beach, where the removal of the same would cause any

damage or injury by inundation to the lands adjoining, or increased danger of encroachment by the sea.

LIII. AND be it further enacted, that it shall not be lawful for any surveyor, or any other person acting under the authority of this Act, to dig, gather, get, take, or carry away any materials for making or repairing any highway out of or from any inclosed land or ground, until one calendar month's notice in writing, signed by the surveyor, shall have been given to the owner of the premises from which such materials are intended to be taken, or to his known agent, and to the occupier of the premises from which such materials are intended to be taken, or left at the house or last or usual place of abode of such owner or agent, and also of such occupier, to appear before the justices at a special sessions for the highways, to show cause why such materials shall not be had therefrom; and in case such owner, agent, or occupier shall attend pursuant to such notice, but shall not show sufficient cause to the contrary, such justices shall, if they think proper, authorize such surveyor or other person to dig, get, gather, take, and carry away such materials at such time or times as to such justices shall seem proper; and if such owner, agent, or occupier shall neglect or refuse to appear by himself or his agent, the said justices shall and may (upon proof on oath of the service of such notice) make such order therein as they shall think fit, as fully and effectually to all intents and purposes as if such owner or occupier, or his agent, had attended.

Notice to be given before materials are taken from private lands.

If the owner, &c. shows cause against the removal, two justices shall decide thereon.

LIV. AND be it further enacted, that it shall be lawful for every such surveyor, for the use aforesaid, by licence in writing from the justices at a special sessions for the highways, to search for, dig, and get materials, if sufficient cannot be had conveniently within such waste lands, common grounds, rivers, or brooks, in or through any of the several or inclosed lands or grounds of any person whomsoever (such lands or grounds not being a garden, yard, avenue to a house, lawn, park, paddock, or inclosed plantation, or inclosed wood not exceeding one hundred acres in extent,) within the parish where the same shall be wanted, or within any other parish adjoining or lying near to the highway for which such materials shall be required, if it shall appear to such justices that sufficient materials cannot be conveniently had in the parish where such highways lie, or in the waste lands, or common grounds, rivers, or brooks of such adjacent parish, and that a sufficient quantity of materials will be left for the use of the parish where the same shall be, and to take and carry away so much of the said materials as by the discretion of the said surveyor shall be thought necessary to be employed in the amendment of the said highways, the said surveyor making such satisfaction for the materials which may be got or taken away, and also for the damage done to such lands or grounds by the getting and carrying away the same, as shall be settled and ascertained by order of the justices at a special sessions for the highways.

If sufficient materials cannot be found in waste lands, &c., surveyor may, with licence of justices, take them from inclosed lands or grounds, making satisfaction to the owners.

LV. AND be it further enacted, that if any surveyor or person employed by him shall, by reason of the searching for, digging, or getting any materials for repairing any highways, make any pit or hole in lands, common grounds, rivers, or brooks as aforesaid wherein such materials shall be found, he shall forthwith cause the same to be sufficiently fenced off, and such fence supported and repaired during such time as the said pit or hole shall continue open, and

If surveyor makes pits or holes in getting materials, he shall cause them to be filled up or sloped down and fenced off.

within three days after such pit or hole shall be opened or made, where no materials shall be found, cause the same to be forthwith filled up, levelled, and covered with the turf or clod which was dug out of the same, and where any such materials shall be found, within fourteen days after having dug up sufficient materials in such pit or hole, cause the same to be filled up or sloped down and fenced off, if required by the owner of the land or ground, and so continued; and every surveyor shall, within twenty-one days after he shall have been appointed to that office, cause all the said pits and holes which shall then be open and not likely to be further useful to be filled up or sloped down in manner aforesaid, and if they are likely to be further useful he shall secure the same by posts and rails or other fences to prevent accidents to persons or cattle; and in case such surveyor or person shall neglect to fill up, slope down, or fence off such pit or hole in manner and within the time aforesaid, he shall forfeit the sum of ten shillings for every such default; and in case such surveyor or person shall neglect to fence off such pit or hole, or to slope down the same, as herein-before directed, for the space of six days after he shall have received notice for either of those purposes from any justice of the peace, or from the owner or occupier of such several ground, river, or brook, or any person having right of common within such common or waste lands as aforesaid, and such neglect and notice shall be proved upon oath before the justices at a special sessions for the highways, such surveyor, person or persons, shall forfeit and pay any sum not exceeding ten pounds for such neglect, to be determined and adjudged by such justices, and to be laid out and applied in the fencing off, filling up, or sloping down such pit or hole, and toward the repair of the roads in the parish where the offence shall be committed, in such manner as the said justices shall direct and appoint; which forfeiture, in case the same be not forthwith paid, shall be levied as other forfeitures are herein-after directed to be levied.

Penalty on surveyor allowing any heap of stone, &c. to remain on highway at night.

LVI. AND be it further enacted, that if any surveyor or district surveyor shall lay or cause to be laid any heap of stone or any other matter or thing whatsoever upon any highway, and allow the same to remain there at night to the danger or personal damage of any person passing thereon, all due and reasonable precaution not having been taken by the said surveyor to guard against the same, he shall forfeit for every such offence any sum not exceeding five pounds.

Surveyor damaging bridges, mills, dams, &c. by digging materials to forfeit not exceeding 5*l*.

LVII. AND be it further enacted, that if any surveyor shall dig or cause to be dug materials for the highways, whereby any bridge, mill, building, dam, highway, occupation road, ford, mines, or tin works, or other work, may be damaged or endangered, he shall forfeit for every such offence, on conviction, any sum not exceeding five pounds, at the discretion of the justices before whom the complaint thereof shall be made, notwithstanding his liability to any civil action to which he may make himself liable by such act.

Where a highway lies in two parishes, the justices to de-

LVIII. AND whereas it frequently happens that the boundaries of parishes pass across or through the middle of a common highway, and one side of such highway is situated in one parish and the other side in another parish, whereby great inconveniences often arise in repairing the same: Be it enacted, that the justices at a special sessions for the highways, on complaint of any surveyor of any parish, (stating in writing, and on a plan thereunto annexed, that there is such a highway one side whereof ought to be repaired by one

parish, and the other side by another, and particularly describing the same by metes, bounds, and admeasurement thereof,) may issue their summons, with a copy of such writing and plan thereunto annexed, to the surveyor of such other parish, to appear before them on a day mentioned in such summons; and if the parties appear, such justices may then proceed finally to decide the matter in manner herein mentioned in case all the parties shall consent thereto; but in case the surveyor summoned shall not appear on such first summons, or appearing shall require further time, such justices shall adjourn the further consideration of the matter for any further time, not more than twenty-one days nor less than fourteen days from the date of such adjournment, of which the surveyor not appearing, or appearing shall require further time, shall have notice; on which day the said justices shall proceed to hear the parties and their witnesses, and, whether the parties summoned does or does not appear, shall proceed to examine and finally determine the matter in form following; (that is to say,) that it shall and may be lawful for such justices and they are hereby required to divide the whole of such common highway, by a transverse line crossing such highway, into equal parts, or into such unequal parts and proportions as, in consideration of the soil, waters, floods, and inequality of such highway, or any other circumstances attending the same, they in their discretion shall think just and right, and to declare, adjudge, and order that the whole of such highway on both sides thereof in any of such parts shall be maintained and repaired by one of such parishes, and that the whole thereof on both sides in the other of such parts shall be maintained and repaired by the other of such parishes, and shall cause such their order, and a plan of such highway, and the allotment thereof, as before mentioned, to be fairly delineated on paper or parchment, and filed with the clerk of the peace of the county in which such highway shall happen to lie, and shall also cause such posts, stones, or other boundaries to be placed and set up in such highway, as in their judgment shall be necessary for ascertaining the division and allotment thereof: Provided nevertheless, that in the case of any such last-mentioned highway, the repair of any part of which belongs to any body politic or corporate, or to any person by the reason of tenure of any lands, or otherwise howsoever, the same proceedings may be adopted; but the said body politic or corporate, or person, or some one on their behalf, may appear before such justices, and object to such last-mentioned proceedings, in which case the said justices shall, before they divide such highway as aforesaid, hear and consider the objection so made, and determine the same.

termine what parts shall be repaired by each.

Proceedings in case of highway repaired in part ratione tenuræ, &c.

LIX. AND be it further enacted, that from and after such order and plan shall be so filed with the clerk of the peace as aforesaid, such parishes, and body politic or corporate, or person aforesaid, respectively, shall be bound as of common right to maintain and keep in repair such parts of such highways so allotted to them as aforesaid, and shall be liable to be proceeded against for neglect of such duty, and shall in all respects whatsoever be liable and subject to all the provisions, regulations, and penalties contained in this Act, and also shall be discharged from the repair of such part of such highway as shall not be included in their respective allotment.

Parishes, &c. bound to repair the part allotted to them.

LX. AND be it further enacted, that all costs, charges, and expenses to be incurred by reason of any of the proceedings last mentioned shall be

How costs of such proceed

ings shall be  
defrayed, &c.

borne and defrayed by such two parishes or body politic or corporate or person aforesaid; the same being settled and ascertained and duly apportioned between such parishes by such justices; and in case the said parties shall refuse or neglect to pay and discharge their respective share of such costs and expenses, it shall and may be lawful for the justices at a special sessions for the highways to levy the same by distress and sale, with costs of such distress, on the goods and chattels of any surveyor of the parish, or of any body politic or corporate or person aforesaid, so refusing or neglecting to defray such costs and charges as aforesaid.

Boundary of  
counties, &c.  
not to be  
changed, ex-  
cept for the  
purpose aforesaid.

LXI. AND be it further enacted, that nothing herein contained shall extend or be construed to extend to affect, change, or alter in any manner whatsoever any boundaries of counties, lordships, hundreds, manors, or any other division of public or private property, nor the boundaries of any parishes or townships, otherwise than for the purpose of amending and keeping in repair such particular portion of the highway in the manner herein mentioned.

Highway re-  
paired ratione  
tenure, &c. may  
be made a  
parish highway.

LXII. AND be it further enacted, that any body politic or corporate, or any person, liable to repair any highway by reason of tenure of any lands or otherwise howsoever, or the surveyor of the parish in which the said highway is situate, may, if he or either party shall think proper, having first obtained the consent of the inhabitants in vestry assembled, apply to any justice for the purpose of making the said highway a parish highway, and to be repaired by the surveyor of the said parish; and the said justice is hereby authorized and required to issue his summons, requiring the said surveyor, or the party so liable to repair the said highway as aforesaid, to appear before the justices at the next special sessions for the highways; and if both parties appear, such justices may then proceed to determine the matter; but in case the surveyor or party summoned shall not appear on such first summons, or appearing shall require further time, such justices shall adjourn the further consideration of the matter to the next special sessions for the highways, of which the said surveyor or party not appearing shall have notice, on which day the justices so assembled at such special sessions shall proceed to hear the parties and their witnesses, and whether the surveyor or party summoned do or do not appear, shall proceed to examine and determine the matter; and in case they decide that the said highway shall become a parish highway, and be thereafter repaired by the surveyor of the said parish, they shall, by an order under their hands, fix the proportion of the expenses of repairing the said highway to be annually paid by such body politic or corporate or person as aforesaid to the surveyor of the said parish; and the order of the said justices shall be binding on the surveyor and the said parish and the said body politic or corporate or person as aforesaid, their heirs, successors, and assigns: Provided nevertheless, that the said justices, instead of fixing the proportion of the expenses of repairing the said highway to be annually paid as aforesaid, may, by an order under their hands, fix a certain sum to be paid by such body politic or corporate or person as aforesaid to the surveyor of the said parish, in full discharge of all claims thereafter in respect of the repairs of such highway; and in default of payment of such last-mentioned sum or of such annual sum as aforesaid the said surveyor may proceed for the recovery thereof in the same manner as any penalties and forfeitures are recoverable under this Act: Provided always,

that when the sum so fixed to be paid in full discharge of all claims thereafter in respect of the repair of such highways shall exceed the sum of one hundred pounds, the said sum when received shall be vested, in the name of the minister, churchwardens, and surveyors of the highways of the parish within which such highway shall be situate, in some public government securities, and the interest and dividends from time to time arising or accruing therefrom shall be applied towards the repairs of the highways within the said parish: Provided also, that when the sums so fixed to be paid in full discharge of all claims as aforesaid shall not exceed the sum of one hundred pounds, the said last-mentioned sum, or any part thereof, on the application by and with the consent of the inhabitants of the parish in vestry assembled and of the justices in special sessions assembled, shall and may be paid to the surveyor of the said parish, to be applied towards the repair of the highways within the said parish.

LXIII. AND be it further enacted, that where in this Act any matter or thing is directed or forbidden to be done within a certain distance of the centre of the highway, that portion of ground shall be deemed and taken to be the highway which has been maintained by the surveyor as highway, and repaired with stones or other materials used in forming highways, for the six months immediately preceding; and the centre of the highway shall be the middle of such highway, where, a line being drawn along the highway or a point marked, an equal number of feet of highway which have been so maintained and repaired as aforesaid for twelve months before shall be found on each side of such line or mark.

What shall be deemed the centre of the highway.

LXIV. AND be it further enacted, that no tree, bush, or shrub shall hereafter be planted on any carriageway or cartway, or within the distance of fifteen feet from the centre thereof; but the same shall respectively be cut down, grubbed up, and carried away by the owner or occupier of the land or soil within twenty-one days after notice to him or his agent by the surveyor, on pain of forfeiting for every neglect the sum of ten shillings.

No tree, &c. to be planted within 15 feet from the centre of the carriage-way.

LXV. AND be it further enacted, that if the surveyor shall think that any carriageway or cartway is prejudiced by the shade of any hedges, or by any trees (except those trees planted for ornament, or for shelter to any hop ground, house, building, or court yard of the owner thereof,) growing in or near such hedges or other fences, and that the sun and wind are excluded from such highway, to the damage thereof, or if any obstruction is caused in any carriageway or cartway by any hedge or tree, it shall be lawful for any one justice of the peace, on the application of the said surveyor, to summon the owner of the land on which such hedges or trees are growing next adjoining to such carriageway or cartway to appear before the justices at a special sessions for the highways, to show cause why the said hedges are not cut, pruned, or plashed, or such trees not pruned or lopped, in such manner that the carriageway or cartway shall not be prejudiced by the shade thereof, and that the sun and wind may not be excluded from such carriageway or cartway to the damage thereof, or why the obstruction caused in such carriageway or cartway should not be removed; and the question as to the cutting, pruning, or plashing such hedges, or the pruning and lopping such trees, or the removal of such obstruction as aforesaid, shall, upon proof of the service of such summons, and whether the said owner attend or not, be deter-

Mode of proceeding if highway is prejudiced by hedges, &c.



mined at the discretion of such last-mentioned justices ; and if such justices shall order and direct that such hedges shall be cut, pruned, or plashed, or such trees pruned or lopped, in manner aforesaid, or such obstruction removed, the said owner shall comply therewith within ten days after a copy of such order shall have been left at the usual place of abode of the said owner, or of his steward or agent, and in default thereof shall forfeit, on conviction, a sum not exceeding forty shillings ; and the said surveyor, if the order of the said justices is not complied with, shall and he is hereby authorized and required to cut, prune, or plash such hedges, and to prune and lop such trees, for the benefit and improvement of the highway, and to remove such obstruction as aforesaid, to the best of his skill and judgment, and according to the true intent and meaning of this Act ; and the said surveyor shall be reimbursed by the owner as aforesaid what charges and expenses he shall be at in cutting, pruning, and plashing such hedges, and pruning and lopping such trees, and the removal of such obstruction, over and above the said forfeiture ; and it shall and may be lawful for the justices at a special sessions for the highways, upon proof to them made upon oath, to levy as well the expenses of cutting, pruning, and plashing such hedges, or pruning and lopping such trees, or removal of such obstructions as aforesaid, as the several and respective penalties hereby imposed, by distress and sale of the offender's goods and chattels, in such manner as distresses and sales for forfeitures are authorized and directed to be levied by virtue of this Act.

Time of cutting hedges and trees.

LXVI. PROVIDED always, and be it further enacted, that no person shall be compelled nor any surveyor permitted to cut or prune any hedge at any other time than between the last day of September and the last day of March ; and that no person shall be obliged to fell any timber trees growing in hedges at any time whatsoever, except where the highways shall be ordered to be widened or enlarged as herein mentioned, or then to cut down or grub up any oak trees growing in such highway or in such hedges except in the months of April, May, or June, or any ash, elm, or other trees in any other months than December, January, February, or March.

Surveyor to make and keep open ditches, &c., and to lay trunks, &c. through lands adjoining highway, paying for damage, if any, incurred.

LXVII. AND be it further enacted, that the said surveyor, district surveyor, or assistant surveyor shall have power to make, scour, cleanse, and keep open all ditches, gutters, drains, or watercourses, and also to make and lay such trunks, tunnels, plats, or bridges as he shall deem necessary, in and through any lands or grounds adjoining or lying near to any highway, upon paying the owner or occupier of such lands or grounds, provided they are not waste or common, for the damages which he shall sustain thereby, to be settled and paid in such manner as the damages for getting materials in inclosed lands or grounds are herein directed to be settled and paid.

Owner, &c. not to alter such ditches, &c. without consent.

LXVIII. AND be it further enacted, that if any owner, occupier, or other person shall alter, obstruct, or in any manner interfere with any such ditches, gutters, drains, or watercourses, trunks, tunnels, plats, or bridges, after they shall have been made by or taken under the charge of such surveyor or district surveyor, and without his authority and consent, such owner, occupier, or other person shall be liable to reimburse all charges and expenses which may be occasioned by reinstating and making good the work so altered, obstructed, or interfered with, and shall also forfeit any sum not exceeding three times the amount of such charges and expenses.

**LXIX.** AND be it further enacted, that if any person shall encroach by making or causing to be made any building, hedge, ditch, or other fence on any carriageway or cartway within the distance of fifteen feet from the centre thereof, every person so offending shall forfeit, on conviction, for every such offence any sum not exceeding forty shillings; and the surveyor who hath the care of any such carriageway or cartway shall and he is hereby required to cause such building, hedge, ditch, or fence to be taken down, or filled up, at the expense of the person to whom the same shall belong; and it shall and may be lawful for the justices at a special sessions for the highways, upon proof to them made upon oath, to levy as well the expenses of taking down such building, hedge, or fence, or filling up such ditch as aforesaid, as the several and respective penalties hereby imposed, by distress and sale of the offender's goods and chattels, in such manner as distresses and sales for forfeitures are authorized and directed to be levied by virtue of this Act.

Penalty for encroaching on highway.

Encroachment to be removed by the surveyor.

Recovery of penalty and expenses of removal.

**LXX.** AND be it further enacted, that from and after the commencement of this Act it shall not be lawful for any person to sink any pit or shaft, or to erect or cause to be erected any steam engine, gin, or other like machine, or any machinery attached thereto, within the distance of twenty-five yards, nor any windmill within fifty yards from any part of any carriageway or cartway, unless such pit or shaft, or steam engine, gin, or other like engine or machinery, shall be within some house or other building, or behind some wall or fence sufficient to conceal or screen the same from the said carriageway or cartway, so that the same may not be dangerous to passengers, horses, or cattle; nor shall it be lawful for any person to make or cause to be made any fire for calcining or burning of ironstone, limestone, bricks, or clay, or the making of cokes, within the distance of fifteen yards from any part of the said carriageway or cartway, unless the same shall be within some house or other building or behind some wall or fence, sufficient to screen the same from the same carriageway or cartway as aforesaid; and in case any person shall offend in any of the cases aforesaid, every such person so offending shall forfeit and pay any sum not exceeding five pounds for each and every day such pit, shaft, windmill, steam engine, gin, machine, or fire shall be permitted to continue contrary to the provisions of this Act; which said penalties shall be levied, recovered, and applied in such and the same manner as any penalty or forfeiture for any other offence on any highway may be levied, recovered, and applied: Provided that nothing herein contained shall be construed to restrain any person or persons from using, repairing, rebuilding, or enlarging any windmill, steam engine, gin, or other like machine, or any kiln or other erection used for the purpose of calcining or burning of ironstone, limestone, bricks, or clay, or the making of cokes, which may have been erected and may be in existence at the passing of this Act.

Pits not to be sunk, nor steam engines, windmills, &c. erected, nor fires for burning ironstone, &c. made, within a certain distance of roads.

\* \* \* \* \*

**LXXII.** AND be it further enacted, that if any person shall wilfully ride upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers; or shall wilfully lead or drive any horse, ass, sheep, mule, swine, or cattle, or carriage of any description, or any truck or sledge, upon any such footpath or causeway; or shall tether any horse, ass, mule, swine, or cattle on any highway, so as to suffer or permit the tethered animal to be thereon; or shall cause any injury or damage to be done

Penalty on persons riding on footpaths, &c.;

tethering animals; injuring or obstructing the road, &c.;

damaging  
banks, cause-  
ways, direction  
posts, mile-  
stones, &c. ;

playing foot-  
ball, &c. ;  
pitching tents ;

making fires ;  
&c.

baiting bulls ;  
laying timber,  
&c. ;

suffering filth  
to run ;

obstructing  
highway.

Matters laid on  
or near high-  
way, so as to be  
a nuisance, to  
be removed on  
notice ; or on  
failure, sur-  
veyor to re-  
move and dis-  
pose of the  
same by order  
of a justice.

Surveyor to  
impound cattle  
found straying  
on highways  
until the pe-  
nalty herein  
imposed and

to the said highway, or the hedges, posts, rails, walls, or fences thereof ; or shall wilfully obstruct the passage of any footway ; or wilfully destroy or injure the surface of any highway ; or shall wilfully or wantonly pull up, cut down, remove, or damage the posts, blocks, or stones fixed by the said surveyor as herein directed ; or dig or cut down the banks which are the securities and defence of the said highways ; or break, damage, or throw down the stones, bricks, or wood fixed upon the parapets or battlements of bridges, or otherwise injure or deface the same ; or pull down, destroy, obliterate, or deface any mile stone or post, graduated or direction post or stone erected upon any highway ; or shall play at football or any other game on any part of the said highways, to the annoyance of any passenger or passengers ; or if any hawker, higgler, gipsy, or other person travelling shall pitch any tent, booth, stall, or stand, or encamp, upon any part of any highway ; or if any person shall make or assist in making any fire, or shall wantonly fire off any gun or pistol, or shall set fire to or wantonly let off or throw any squib, rocket, serpent, or other firework whatsoever within fifty feet of the centre of such carriage-way or cartway ; or bait, or run for the purpose of baiting, any bull, upon or near any highway ; or shall lay any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, or other matter or thing whatsoever upon such highway, to the injury of such highway, or to the injury, interruption, or personal danger of any person travelling thereon ; or shall suffer any filth, dirt, lime, or other offensive matter or thing whatsoever to run or flow into or upon any highway from any house, building, erection, lands, or premises adjacent thereto ; or shall in any way wilfully obstruct the free passage of any such highway ; every person so offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding forty shillings, over and above the damages occasioned thereby.

LXXIII. AND be it further enacted, that if any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, or other matter or thing whatsoever, shall be laid upon any highway so as to be a nuisance, and shall not, after notice given by the surveyor, assistant surveyor, or district surveyor, be forthwith removed, it shall and may be lawful for the surveyor, assistant surveyor, or district surveyor, by order in writing from any one justice, to clear the said highway, by removing the said stone, hay, straw, dung, manure, soil, ashes, rubbish, or other matter or thing as aforesaid, and to dispose of the same, and to apply the proceeds arising therefrom towards the repairs of the highway within the parish in which such highway may be situate : Provided nevertheless, that if any soil, ashes, or rubbish shall be laid on any highway, and such soil, ashes, or rubbish shall not be of sufficient value to defray the expense of removing them, the person who laid or deposited such soil, ashes, or rubbish shall repay to the said surveyor, assistant surveyor, or district surveyor the money which he shall have necessarily expended for the removal thereof, which money, in case the same shall not be forthwith repaid, shall be levied as forfeitures are herein directed to be levied.

LXXIV. AND be it further enacted, that if any horse, ass, sheep, swine, or other beast or cattle of any kind, shall at any time be found wandering, straying, or lying, or being depastured, on any highway or on the sides thereof, without a keeper, (except on such parts of any road as lead or pass through or over any common or waste or uninclosed ground,) any surveyor, or any other person authorized by him, is hereby required to seize and impound every such horse, ass, sheep, swine, or other beast or

cattle in the common pound (if any) of the parish where the same shall be found, or in such other place as the surveyor shall have provided or shall provide for that purpose, and the said horse, ass, sheep, swine, or other beast or cattle there to detain until the owner thereof shall, for every and each horse, ass, sheep, swine, or other beast or cattle so impounded, pay any sum not exceeding one shilling, together with the reasonable charges and expenses, such charges and expenses to be settled by any two justices of the peace, of impounding and keeping the same, to the surveyor of the parish in which the beast so impounded shall have been found, the said sum so paid for each beast to be applied to the repair of the said highway [Rep., 27 & 28 Vict. c. 101. s. 25.] ; . . . . .

the charges are paid.

LXXV. AND be it further enacted, that in case any person shall release or attempt to release any horse, ass, sheep, swine, or other beast or cattle, which shall be seized for the purpose of being impounded under the authority of this Act, from the pound or place where the same shall be so impounded, or in the way to or from any such pound or place, or shall pull down, damage, or destroy the same pound or place, or any part thereof, or any lock or bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any distress or levy which shall be made under the authority of this Act, until or before such horse, ass, sheep, swine, or other beast or cattle, seized or so impounded, or such distress or levy so made, shall be discharged by due course of law, every person so offending shall, upon conviction thereof before any two of his Majesty's justices of the peace, either upon confession of the party or parties offending, or upon oath of one credible witness, forfeit and pay any sum not exceeding twenty pounds, at the discretion of the said justices, and in default thereof be committed by such justices, by warrant under their hands and seals, to the house of correction of the county wherein the said offence shall have been committed, there to be kept to hard labour for any time, at the discretion of the justices, not exceeding three calendar months.

Punishment for pound-breach.

LXXVI. AND be it further enacted, that the owner of every waggon, cart, or other such carriage shall paint or cause to be painted in one or more straight line or lines, upon some conspicuous part of the right or off-side of his waggon, cart, or other such carriage, or upon the off-side shafts thereof, before the same shall be used on any highway, his christian name and surname, or the style and title by which he is commonly designated, and the place of his trade or abode, or the christian and surname and place of trade or abode of a partner or owner thereof, at full length, in large legible letters in white upon black, or black upon white, not less than one inch in height, and continue the same thereupon so long as such waggon, cart, or other such carriage shall be used upon any highway; and every owner of any waggon, cart, or other such carriage, who shall use or allow the same to be used on any highway without the name and descriptions painted thereon as aforesaid, or who shall suffer the same to become illegible, or who shall paint or cause to be painted any false or fictitious name or place of trade or abode on such waggon or cart or other such carriage, shall forfeit and pay, on conviction, for every such offence, a sum not exceeding forty shillings, with or without costs, as to the justices before whom the conviction shall take place shall think fit.

Names, &c. of owners to be painted on all waggons, &c. in the manner herein mentioned.

LXXVII. AND be it further enacted, that no one person shall act as the driver of more than two carts, waggons, or other such carriages on any highway; provided always, that it shall and may be lawful for any one person to

One driver may take charge of two carts, provided they are

drawn only by  
one horse each,  
&c.

act as the driver of two carts, waggons, or other such carriages on any highway, and for such carts to pass and travel on any highway being only under the care and superintendence of such single person; provided always, that such carts, waggons, or other carriages, when under the care of only one person, shall not be drawn by more than one horse each, and the horse of the hinder cart, waggon, or other carriage shall be attached by a rein in length not exceeding four feet to the back of the cart, waggon, or other carriage which shall be foremost; and in case the said horse shall not be so attached, the driver of the said carts, waggons, or other carriages shall forfeit, on conviction, the sum of twenty shillings, to be recovered as other penalties are by this Act to be recovered.

Drivers of certain waggons or carts riding thereon without some other person guiding them; or causing hurt or damage to others, or quitting the road, or driving carriage without owner's name, or not keeping the left or near side, or interrupting free passage, &c., shall forfeit not exceeding 5*l.* if not the owner, and not exceeding 10*l.* if he be the owner, &c.

LXXVIII. AND be it further enacted, that if the driver of any waggon, cart, or other carriage of any kind shall ride upon any such carriage, or upon any horse or horses drawing the same, on any highway, not having some other person on foot or on horseback to guide the same (such carriages and carts as are driven with reins and are conducted by some person holding the reins of all the horses drawing the same, excepted); or if the driver of any carriage whatsoever on any part of any highway shall by negligence or wilful misbehaviour cause any hurt or damage to any person, horse, cattle, or goods conveyed in any carriage, passing or being upon such highway, or shall quit the same, and go on the other side of the hedge or fence inclosing the same, or negligently or wilfully be at such distance from such carriage, or in such a situation whilst it shall be passing upon such highway that he cannot have the direction and government of the horses or cattle drawing the same, or shall leave any cart or carriage on such highway, so as to obstruct the passage thereof; or if any person shall drive or act as the driver of any waggon, cart, or other such carriage, not having the owner's name as hereby required painted and remaining legible thereon, and shall refuse to tell or to discover the true christian and surname of the owner or principal owners of such waggon, cart, or carriage; or if the driver of any waggon, cart, or other carriage whatsoever, or of any horses, mules, or other beast of draught or burden meeting any other waggon, cart, or other carriage, or horses, mules, or other beasts of burden, shall not keep his waggon, cart, or carriage, or horses, mules, or other beasts of burden, on the left or near side of the road; or if any person shall in any manner wilfully prevent any other person from passing him, or any waggon, cart, or other carriage, or horses, mules, or other beasts of burden, under his care upon such highway, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person, waggon, cart, or other carriage, or horses, mules, or other beasts of burden, on any highway, or shall not keep his waggon, cart, or other carriage, or horses, mules, or other beasts of burden on the left or near side of the road, for the purpose of allowing such passage; or if any person riding any horse or beast, or driving any sort of carriage, shall ride or drive the same furiously so as to endanger the life or limb of any passenger; every person so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a justice, or by the oath of one or more credible witnesses before any two justices of the peace, shall, in addition to any civil action to which he may make himself liable, for every such offence forfeit any sum not exceeding five pounds, in case such driver shall not be the owner of such

waggon, cart, or other carriage, and in case the offender be the owner of such waggon, cart, or other carriage, then any sum not exceeding ten pounds, and in either of the said cases shall, in default of payment, be committed to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding six weeks unless such forfeiture shall be sooner paid; and every such driver offending in either of the said cases shall and may, by the authority of this Act, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be conveyed before any justice of the peace, to be dealt with according to law; and if any such driver in any of the cases aforesaid shall refuse to discover his name, it shall and may be lawful for the said justice of the peace before whom he shall be taken, or to whom any such complaint shall be made, to commit him to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding three months, or to proceed against him for the penalty aforesaid by a description of his person and the offence only, without adding any name or designation, but expressing in the proceedings that he refused to discover his name.

Any person  
may apprehend driver  
offending.

Proceedings if  
driver will not  
discover his  
name.

LXXIX. AND whereas offences may be committed against this Act by persons whose names are unknown to the surveyor, assistant surveyor, or district surveyor: Be it therefore enacted, that it shall be lawful for the surveyor, assistant surveyor, or district surveyor, or any person acting under his authority, and such other person as he shall call to his assistance, or any other person witnessing the commission of the offence, without any other authority than this Act, to seize and detain such unknown person who shall commit any such offence, and take him forthwith before any justice of the peace, who shall proceed and act with respect to such offence according to the provisions of this Act.

Power to detain  
unknown  
offenders.

LXXX. AND be it further enacted, that the said surveyor shall and he is hereby required to make, support, and maintain, or cause to be made, supported, and maintained, every public cartway leading to any market town twenty feet wide at the least, and every public horseway eight feet wide at the least, and to support and maintain every public footway by the side of any carriageway or cartway three feet at the least, if the ground between the fences including the same will admit thereof: Provided nevertheless, that nothing herein contained shall require any surveyor to make or form any public footway without the consent of the inhabitants in vestry assembled.

Cartways to be  
twenty feet  
wide, horse-  
ways eight feet,  
and footways  
three feet.

Consent of  
vestry to  
making of  
footway.

LXXXI. AND be it further enacted, that if any gate across any public cartway shall be less than ten feet wide, or any gate across any public horseway shall be less than five feet wide, clear between the posts thereof, then and in every such case, upon notice in writing from the surveyor to the person to whom such gate shall belong, left at the dwelling house of such person or his steward or agent, requiring him to enlarge the same, if such person shall neglect for the space of twenty-one days after such notice shall have been left as aforesaid to remove or enlarge such gate, he shall forfeit a sum not exceeding ten shillings for every day he shall so neglect to remove or to enlarge such gate as aforesaid.

Width of gates  
across public  
cartways and  
horseways.

LXXXII. PROVIDED always, and be it further enacted, that where it shall appear, upon the view of two justices of the peace, that any highway is not of sufficient breadth, and might be widened and enlarged, such justices shall and

Justices may  
order narrow  
highways to be  
widened.

Surveyor to agree with owners of lands for recompence for ground required for widening, &c.; and if they cannot agree, the same may be assessed by a jury at quarter sessions.

On payment of money assessed, ground to be deemed a public highway.

they are hereby empowered, within their respective divisions, to order such highway respectively to be widened and enlarged in such manner as they shall think fit, so that the said highway, when widened and enlarged, shall not exceed thirty feet in breadth; and that neither of the said powers do extend to pull down any house or building, or to take away the ground of any garden, lawn, yard, court, park, paddock, planted walk, plantation, or avenue, to any house, or any inclosed ground set apart for building ground or as a nursery for trees; and for the satisfaction of the person, body politic or corporate, who is seised or possessed of or interested in their own right, or in trust for any other person in the said ground that shall be laid into the said highway respectively so to be widened and enlarged, the said surveyor, under the direction and with the approbation of the said justices in writing, shall and is hereby empowered to make an agreement with him for the recompence to be made for such ground, and for the making such new ditches and fences as shall be necessary, according and in proportion to their several and respective interests therein, and also with any other person, body politic or corporate, that may be injured by the widening and enlarging such highway, for the satisfaction to be made to him respectively as aforesaid; and if the said surveyor, under the direction and with the approbation of the said justices, cannot agree with the said person, body politic or corporate, or if he cannot be found, or shall refuse to treat or take such recompence or satisfaction as shall be offered to them respectively by such surveyor, then the justices of the peace at any general quarter sessions to be holden for the limit wherein such ground shall lie, upon certificate in writing signed by the justices making such view as aforesaid of their proceedings in the premises, and upon proof of fourteen days notice in writing having been given by the surveyor of such parish to the owner, occupier, or other person, body politic or corporate, interested in such ground, or to his guardian, trustee, clerk, or agent, signifying an intention to apply to such quarter sessions, for the purpose of taking such ground, shall impanel a jury of twelve disinterested men out of the persons returned to serve as jurymen at such quarter sessions; and the said jury shall upon their oaths, to the best of their judgment, assess the damages to be given and recompence to be made to the owners and others interested as aforesaid in the said ground for their respective interests, as they shall think reasonable, not exceeding forty years purchase for the clear yearly value of the ground so laid out, and likewise such recompence as they shall think reasonable for the making of new ditches and fences on the side of the said highway that shall be so widened and enlarged, and also satisfaction to any person, body politic or corporate, that may be otherwise injured by the widening and enlarging the said highways respectively; and upon payment or tender of the money so to be awarded and assessed to the person, body politic or corporate, entitled to receive the same, or leaving it in the hands of the clerk of the peace of such limit, in case such person, body politic or corporate, cannot be found or shall refuse to accept the same, for the use of the owner of or others interested in the said ground, the interest of the said person, body politic or corporate, in the said ground shall be for ever divested out of them, and the said ground, after such agreement or verdict as aforesaid, shall be esteemed and taken to be a public highway to all intents and purposes whatsoever; saving nevertheless to the owner of such ground all mines,

minerals, and fossils lying under the same which can or may be got without breaking the surface of the said highway, and also all timber and wood growing upon such ground, to be felled and taken by such owner within one month after such order shall have been made, or in default thereof to be felled by the said surveyor within the respective months aforesaid, and laid upon the land adjoining, for the benefit of the said owner ; and where there shall not appear sufficient money in the hands of the surveyor for the purpose aforesaid, then the said two justices, in cases of agreement, or the said court of quarter sessions, after such verdict as aforesaid, shall direct the surveyor to make, collect, and levy an equal rate in the same manner as the rate by this Act authorized to be made, and to pay the money to the person, body politic or corporate so interested, in such manner as the said justices or court of quarter sessions respectively shall direct and appoint ; and the money thereby raised shall be employed and accounted for, according to the order and direction of the said justices or court of quarter sessions respectively, for and towards the purchasing the land to widen and enlarge the said highway, and for making the said ditches and fences, and also satisfaction for the damages sustained thereby ; provided that no such rate to be made in any one year shall exceed one third part of the rate by this Act authorized to be levied, in addition to the rate for the repair of the highways.

Where there is not money sufficient, a further rate may be made, by order of the justices at their quarter sessions, not exceeding one third of the original rate.

LXXXIII. AND be it further enacted, that in case such jury shall give in and deliver a verdict for more monies as a recompence for the right, interest, or property of any person, body politic or corporate, in such lands or grounds, or for the making such fence, or for such damage or injury to be sustained by him as aforesaid, than what shall have been proposed and offered by the said surveyor before such application to the said court of quarter sessions as aforesaid, that then and in such case the costs and expenses attending the said several proceedings shall be borne and paid by the surveyor out of the monies in his hands, or to be assessed and levied by virtue and under the powers of this Act ; but if such jury shall give and deliver a verdict for no more or for less monies than shall have been so offered and proposed by the said surveyor before such application to the said court of quarter sessions, that then the said costs and expenses shall be borne and paid by the person, body politic or corporate, who shall have refused to accept the recompence and satisfaction so offered to him as aforesaid.

Costs of proceedings, by whom payable.

LXXXIV. AND be it further enacted, that when the inhabitants in vestry assembled shall deem it expedient that any highway should be stopped up, diverted, or turned, either entirely or reserving a bridleway or footway along the whole or any part or parts thereof, the chairman of such meeting shall, by an order in writing, direct the surveyor to apply to two justices to view the same, and shall authorize him to pay all the expenses attending such view, and the stopping up, diverting, or turning such highway, either entirely or subject to such reservation as aforesaid, out of the money received by him for the purposes of this Act : Provided nevertheless, that if any other party shall be desirous of stopping up, diverting, or turning any highway as aforesaid, he shall, by a notice in writing, require the surveyor to give notice to the churchwardens to assemble the inhabitants in vestry, and to submit to them the wish of such person, and if such inhabitants shall agree to the proposal the said surveyor shall apply to the justices as last aforesaid for the purposes

Previously to a highway being stopped up, &c. surveyor to request justices to view the same.



aforesaid; and in such case the expenses aforesaid shall be paid to such surveyor by the said party, or be recoverable in the same manner as any forfeiture is recoverable under this Act; and the said surveyor is hereby required to make such application as aforesaid.

Proceedings for  
diverting, &c.  
certain high-  
ways, and stop-  
ping up unne-  
cessary high  
ways.

LXXXV. AND be it further enacted, that when it shall appear upon such view of such two justices of the peace, made at the request of the said surveyor as aforesaid, that any public highway may be diverted and turned, either entirely or subject as aforesaid, so as to make the same nearer or more commodious to the public, and the owner of the lands or grounds through which such new highway so proposed to be made shall consent thereto by writing under his hand, or if it shall appear upon such view that any public highway is unnecessary, the said justices shall direct the surveyor to affix a notice in the form or to the effect of schedule (No. 19.) to this Act annexed, in legible characters, at the place and by the side of each end of the said highway from whence the same is proposed to be turned, diverted, or stopped up, either entirely or subject as aforesaid, and also to insert the same notice in one newspaper published or generally circulated in the county where the highway so proposed to be diverted and turned or stopped up, either entirely or subject as aforesaid (as the case may be), shall lie, for four successive weeks next after the said justices have viewed such public highway, and to affix a like notice on the door of the church of every parish in which such highway so proposed to be diverted, turned, or stopped up, either entirely or subject as aforesaid, or any part thereof, shall lie, on four successive Sundays next after the making such view; and the said several notices having been so published, and proof thereof having been given to the satisfaction of the said justices, and a plan having been delivered to them at the same time particularly describing the old and the proposed new highway, by metes, bounds, and admeasurement thereof, which plan shall be verified by some competent surveyor, the said justices shall proceed to certify under their hands the fact of their having viewed the said highway as aforesaid, and that the proposed new highway is nearer or more commodious to the public; and if nearer the said certificate shall state the number of yards or feet it is nearer, or if more commodious, the reasons why it is so; and if the highway is proposed to be stopped up as unnecessary, either entirely or subject as aforesaid, then the certificate shall state the reason why it is unnecessary; and the said certificate of the said justices, together with the proof and plan so laid before them as aforesaid, shall, as soon as conveniently may be after the making of the said certificate, be lodged with the clerk of the peace for the county in which the said highway is situated, and shall (at the quarter sessions which shall be holden for the limit within which the highway so diverted and turned or stopped up, either entirely or subject as aforesaid, shall lie, next after the expiration of four weeks from the day of the said certificate of the said justices having been lodged with the clerk of the peace as aforesaid,) be read by the said clerk of the peace in open court; and the said certificate, together with the proof and plan as aforesaid, as well as the consent in writing of the owner of the land through which the new highway is proposed to be made, shall be enrolled by the clerk of the peace amongst the records of the said court of quarter sessions: Provided always, that any person whatever shall be at liberty, at any time previous to the said quarter sessions, to inspect the said

certificate and plan so as aforesaid lodged with the said clerk of the peace, and to have a copy thereof, on payment to the clerk of the peace at the rate of sixpence per folio, and a reasonable compensation for the copy of the plan.

LXXXVI. PROVIDED always, and be it further enacted, that in any case where it is proposed to stop up or divert more than one highway, which highways shall be deemed to be so connected together as that they cannot be separately stopped or diverted without interfering one with the other, it shall be lawful to include such different highways in one order or certificate.

Proviso as to stopping up more than one highway connected together.

LXXXVII. PROVIDED also, and be it further enacted, that in the event of any appeal being brought against the whole or any part or parts of any order or certificate for diverting more highways than one, it shall be lawful for the court to decide upon the propriety of confirming the whole or any part or parts of such order or certificate, without prejudice to the remaining part or parts thereof.

Court may confirm order for so doing, wholly or in part.

LXXXVIII. PROVIDED always, and be it further enacted, that when any such certificate shall have been so given as aforesaid it shall and may be lawful for any person who may think that he would be injured or aggrieved if any such highway should be ordered to be diverted and turned or stopped up, either entirely or subject as aforesaid, and such new highway set out and appropriated in lieu thereof as aforesaid, or if any unnecessary highway should be ordered to be stopped up as aforesaid, to make his complaint thereof by appeal to the justices of the peace at the said quarter sessions, upon giving to the surveyor ten days notice in writing of such appeal, together with a statement in writing of the grounds of such appeal; who is hereby required, within forty-eight hours after the receipt of such notice, to deliver a copy of the same to the party by whom he was required to apply to the justices to view the said highway; provided that in all cases where the said surveyor shall have been directed by the inhabitants in vestry assembled to apply to such justices as aforesaid, then the said surveyor shall not be required to deliver a copy of such notice to any party: Provided also, that it shall not be lawful for the appellant to be heard in support of such appeal unless such notice and statement shall have been so given as aforesaid, nor on the hearing of such appeal to go into or give evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

Persons who may think themselves aggrieved if such highway should be ordered to be stopped up, &c. may appeal to quarter sessions.

LXXXIX. AND be it further enacted, that in case of such appeal the justices at the said quarter sessions shall, for the purpose of determining whether the proposed new highway is nearer or more commodious to the public, or whether the public highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or whether the said party appealing would be injured or aggrieved, impanel a jury of twelve disinterested men out of the persons returned to serve as jurymen at such quarter sessions; and if, after hearing the evidence produced before them, the said jury shall return a verdict that the proposed new highway is nearer or more commodious to the public, or that the public highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or that the party appealing would not be injured or aggrieved, then the said court of quarter sessions shall dismiss such appeal, and make the order herein mentioned for diverting and turning and stopping up such highway, either entirely or subject as aforesaid, or for diverting, turning, and stopping up of

In case of appeal, jury at quarter sessions to determine whether new highway is nearer, &c.

such old highway, and purchasing the ground and soil for such new highway, or for stopping up such unnecessary highway, either entirely or subject as aforesaid; but if the said jury shall return a verdict that the proposed new highway is not nearer or not more commodious to the public, or that the highway so intended to be stopped up, either entirely or subject as aforesaid, is not unnecessary, or that the party appealing would be injured or aggrieved, then the said court of quarter sessions shall allow such appeal, and shall not make such order as aforesaid.

Costs to be  
awarded in  
appeal against  
diverting, &c.  
highway.

XC. AND be it further enacted, that the court of quarter sessions is hereby authorized and required to award to the party giving or receiving notice of appeal such costs and expenses as shall be incurred in prosecuting or resisting such appeal, whether the same shall be tried or not, and such costs and expenses shall be paid by the surveyor or other party as aforesaid at whose instance the notice for diverting and turning or stopping up the highway, either entirely or subject as aforesaid, shall have been given; and in case the said surveyor or other party as aforesaid shall not appear in support thereof, the said court of quarter sessions shall award the costs of the appellant to be paid by such surveyor or other party as aforesaid, and such costs shall be recoverable in the same manner as any penalties or forfeitures are recoverable under this Act.

If appeal be  
not made, or  
be dismissed,  
sessions to  
make order  
for diverting,  
&c. highway.

XCII. PROVIDED always, and be it further enacted, that if no such appeal be made, or being made shall be dismissed as aforesaid, then the justices at the said quarter sessions shall make an order to divert and turn and to stop up such highway, either entirely or subject as aforesaid, or to divert, turn, and stop up such old highway, and to purchase the ground and soil for such new highway, or to stop up such unnecessary highway, either entirely or subject as aforesaid, by such ways and means, and subject to such exceptions and conditions in all respects, as in this Act is mentioned in regard to highways to be widened, and the proceedings thereupon shall be binding and conclusive on all persons whomsoever; and the new highways so to be appropriated and set out shall be and for ever after continue a public highway to all intents and purposes whatsoever; but no old highway (except in the case of stopping up of such useless highway as herein is mentioned) shall be stopped until such new highway shall be completed and put into good condition and repair, and so certified by two justices of the peace upon view thereof; which certificate shall be returned to the clerk of the peace, and by him enrolled amongst the records of the court of quarter sessions next after such order as aforesaid shall have been made, pursuant to the directions herein-before contained.

New highway  
shall afterwards  
continue a  
public highway,  
&c.

Parish, &c.  
liable to  
repair of old  
highway shall  
repair new  
highway.

XCIII. PROVIDED always, and be it further enacted, that in every case in which a highway shall have been turned or diverted under the provisions of this Act the parish or other party which was liable to the repair of the old highway shall be liable to the repair of the new highway, without any reference whatever to its parochial locality.

Provisions as to  
widening, &c.  
of a highway  
to extend to  
all highways  
which persons  
are bound to

XCIII. AND be it further enacted, that the powers and provisions in this Act contained with respect to the widening and enlarging, diverting, turning, or stopping up any highway, shall be applicable to all highways which any person, bodies politic or corporate, is or are bound to repair by reason of any grant, tenure, limitation, or appointment of any charitable gift or otherwise

howsoever; and that when such last-mentioned highways are so widened or enlarged, turned or diverted, the same shall and may, by an order of the justices at a special sessions for the highways, be placed under the control and care of the surveyor of the parish in which such highways may be situate, and shall be from time to time thereafter repaired and kept in repair by the said parish: Provided also, that the said highways so widened, enlarged, diverted, or turned, shall be viewed by two justices of the peace, who shall make a report thereof to the justices at a special sessions for the highways; and such last-mentioned justices shall, by an order under their hands, fix the proportionate sum which shall be annually paid, or shall fix a certain sum to be paid, by such persons, bodies politic or corporate, his or their heirs, successors, or assigns, to the said surveyors of the parish, in lieu of thereafter repairing the said part of the said old highway; and the order of the said last-mentioned justices shall be and continue binding on all such persons, bodies politic or corporate, their heirs, successors, or assigns; and in default of payment thereof the said surveyor shall proceed for the recovery of the same in the manner as any penalties and forfeitures are recoverable under this Act.

repair ratione  
tenuræ, &c.

Justices to fix  
annual or other  
amount payable  
by party pre-  
viously bound  
to repair.

XCIV. AND be it further enacted, that from and after the commencement of this Act, if any highway is out of repair, or is not well and sufficiently repaired and amended, and information thereof, on the oath of one credible witness, is given to any justice of the peace, it shall and may be lawful for such justice, and he is hereby authorized and required, to issue a summons requiring the surveyor of the parish, or other person or body politic or corporate, chargeable with such repairs, to appear before the justices at some special sessions for the highways in the said summons mentioned, to be held within the division in which the said highway may be situate; and the said justices shall either appoint some competent person to view the same, and report thereon to the justices in special sessions assembled, on a certain day and place to be then and there fixed, at which the said surveyor of the highways or other party as aforesaid shall be directed to attend, or the said justices shall fix a day whereon they or any two of them shall attend to view the said highway; and if to the justices at such special sessions, on the day and at the place so fixed as aforesaid, it shall appear, either on the report of the said person so appointed by them to view, or on the view of such justices, that the said highway is not in a state of thorough and effectual repair, they the said justices at such last-mentioned special sessions shall convict the said surveyor or other party liable to the repair of the said highway in any penalty not exceeding five pounds, and shall make an order on the said surveyor or other person or bodies politic or corporate liable to repair such highway, by which order they shall limit and appoint a time for the repairing of the same; and in default of such repairs being effectually made within the time so limited, the said surveyor or such other person or body politic or corporate as aforesaid shall forfeit and pay to some person to be named and appointed in a second order a sum of money to be therein stated, and which shall be equal in amount to the sum which the said justices shall, on the evidence produced before them, judge requisite for repairing such highway, which money shall be recoverable in the same manner as any forfeiture is recoverable under this Act, and such money, when recovered, shall be applied to the

Mode of pro-  
ceeding before  
justices if high-  
way is out of  
repair.

repair of such highway ; and in case more parties than one are bound to repair any such highway, the said justices shall direct in their said order what proportion shall be paid by each of the said parties : Provided that if the said highway so out of repair is a part of the turnpike road, the said justices shall summon the treasurer or surveyor or other officer of such turnpike road, and the order herein directed to be made shall be made on such treasurer or surveyor or other officer as aforesaid, and the money therein stated shall be recoverable as aforesaid : Provided nevertheless, that the said justices shall not have power to make such order as aforesaid in any case where the duty or obligation of repairing the said highway comes in question.

Mode of proceeding if obligation to repair is disputed.

XCV. AND be it enacted, that if on the hearing of any such summons respecting the repair of any highway the duty or obligation of such repairs is denied by the surveyor on behalf of the inhabitants of the parish, or by any other party charged therewith, it shall then be lawful for such justices and they are hereby required to direct a bill of indictment to be preferred, and the necessary witnesses in support thereof to be subpoenaed, at the next assizes to be holden in and for the said county, or at the next general quarter sessions of the peace for the county, riding, division, or place wherein such highway shall be, against the inhabitants of the parish or the party to be named in such order, for suffering and permitting the said highway to be out of repair ; and the costs of such prosecution shall be directed by the judge of assize before whom the said indictment is tried, or by the justices at such quarter sessions, to be paid out of the rate made and levied in pursuance of this Act in the parish in which such highway shall be situate : Provided nevertheless, that it shall be lawful for the party against whom such indictment shall be so preferred at the quarter sessions as aforesaid to remove such indictment by certiorari or otherwise into his Majesty's Court of King's Bench.

Fines, penalties, and forfeitures, how to be levied and applied.

XCVI. AND be it further enacted, that no fine, issue, penalty, or forfeiture for not repairing the highway, or not appearing to any indictment for not repairing the same, shall hereafter be returned into the Court of Exchequer or other court, but shall be levied by and paid into the hands of such person residing in or near the parish where the road shall lie, as the justices or court imposing such fines, issues, penalties, or forfeitures, shall order and direct, to be applied towards the repair and amendment of such highway ; and the person so ordered to receive such fine shall and is hereby required to receive, apply, and account for the same according to the direction of such justices or court, or in default thereof shall forfeit double the sum received ; and if any fine, issue, penalty, or forfeiture to be imposed for not repairing the highway, or not appearing as aforesaid, shall hereafter be levied on any inhabitant of such parish, township, or place, then such inhabitant shall and may make his complaint to the justices at a special sessions for the highways ; and the said justices are hereby empowered and authorized, by warrant under their hands, to make an order on the surveyor of the parish for payment of the same out of the money receivable by him for the highway rate, and shall, within two months next after service of the said order on him, pay unto such inhabitant the money therein mentioned.

Justices may award costs to be paid by or to defendant.

XCVII. AND be it further enacted, that if any surveyor or other person shall be summoned before any justice to answer any information or complaint

exhibited or made against him touching or concerning any offence committed or alleged to have been committed by such surveyor or other person against the provisions of this Act, or for any supposed neglect of duty, in case such surveyor or other person be convicted thereof, such justice shall be authorized and empowered to order the payment by such surveyor or other person of all costs or proceedings against him; but in case such information or complaint shall afterwards be withdrawn or quashed or dismissed, or if the defendant shall be acquitted of the offence or neglect of duty charged against him, it shall be lawful for such justices to order and award that the person exhibiting or making such information or complaint shall pay to the defendant all such costs as to such justice shall seem reasonable; and in default of immediate payment of the sum so awarded it shall be lawful for such justices to cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, with such costs as aforesaid, cannot be found, it shall be lawful for such justices to commit such person to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding one calendar month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid and satisfied.

XCVIII. AND be it further enacted, that it shall and may be lawful for the court before whom any indictment shall be preferred for not repairing highways to award costs to the prosecutor to be paid by the person so indicted, if it shall appear to the said court that the defence made to such indictment was frivolous or vexatious.

Court may award costs to the prosecutor on any indictment.

XCIX. AND be it further enacted, that from and after the commencement of this Act it shall not be lawful to take or commence any legal proceeding by presentment against the inhabitants of any parish, or other person, on account of any highway or turnpike road being out of repair.

No proceedings by presentment for highway being out of repair.

\* \* \* \* \*

CI. AND be it further enacted, that in all cases in which any penalty or forfeiture is recoverable before justices of the peace under this Act, it shall and may be lawful for any justice, to whom complaint shall be made of any such offence, to summon the party complained against before any two justices, and on such summons the said two justices may hear and determine the matter of such complaint, and on proof of the offence convict the offender, and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same, although no information in writing shall have been exhibited or taken by or before such justice; and all such proceedings by summons without information shall be as good, valid, and effectual to all intents and purposes, as if an information in writing was exhibited.

Justices may proceed by summons in the recovery penalties.

CII. AND be it further enacted, that if any person, after having been paid or tendered a reasonable sum of money for his costs, charges, and expenses, shall be summoned as a witness to give evidence before any justices of the peace touching any matter or fact contained in any information or complaint for any offence against this Act, either on the part of the prosecutor or the person accused, and shall refuse or neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for his refusal or neglect, or appearing shall (after having been paid or tendered a reasonable sum for

Penalty on persons refusing to attend as witnesses and give evidence.

his costs, charges, and expenses) refuse to be examined upon oath and give evidence before such justice of the peace, then and in either of such cases such persons shall forfeit for every such offence any sum not exceeding five pounds.

Penalties,  
balances due  
from surveyors,  
costs, and  
charges, shall  
be levied by  
distress and  
sale, &c.

CIII. AND be it further enacted, that all penalties and forfeitures by this Act inflicted or authorized to be imposed for any offence against the same, and all balances due from a surveyor, and all costs and charges to be allowed and ordered by the authority of this Act (the manner of levying, recovering, and applying of which is not hereby otherwise particularly directed) shall, upon proof and conviction of the offences respectively before any two or more justices, either by the confession of the party offending or by the oath of any credible witness or witnesses (which oath such justices are in every case hereby fully authorized to administer), or upon order made as aforesaid, be levied, together with the costs attending the information, summons, and conviction, by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, by warrant under the hands of two or more justices before whom the party may have been convicted (which warrant such justices are hereby empowered and required to grant); and the overplus (if any), after such penalties, forfeitures, and fines, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and in case such fines, penalties, and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justices as aforesaid to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such justices as aforesaid, for his or their appearance before such justices on such day or days as shall be appointed for the return of such warrant of distress, such day not being later than seven days from the time of taking any such security, and which security the said justices as aforesaid are hereby empowered to take by way of recognizance or otherwise; or in case it shall appear to the satisfaction of such justices, either by the confession of the offender or otherwise, that he hath not goods or chattels within the jurisdiction of such justices sufficient whereon to levy all such penalties and forfeitures, costs and charges, such justices may, at their discretion, without issuing any warrant of distress, commit the offender for such period of time, and in such and like manner, as if a warrant of distress had been issued, and nulla bona returned thereon; but if a warrant of distress shall be issued, and upon the return thereof it shall appear that no sufficient distress can be had whereupon to levy the said penalty, forfeiture, or fine, and costs and expenses aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such justices, upon the confession of the offender, or otherwise, that he hath not sufficient goods and chattels whereupon such penalty, forfeiture, or fine, costs, and expenses, could be levied if a warrant of distress were issued, such justices shall not be required to issue such warrant, but in such case such justices are hereby required, by warrant under their hands, to cause such offender or offenders to be committed to the common gaol or house of correction of the county, riding, or place where the offender shall be or reside, there to be kept to hard labour for any term not exceeding three calendar months, unless such penalties, forfeitures, and fines, and all

reasonable charges attending the same, shall be sooner paid and satisfied ; and the penalties and forfeitures, when so levied, shall be paid, the one half to the informer and the other half to the surveyor of the parish where such offence, neglect, or default shall happen, to be applied towards the repair of the highways thereof, unless otherwise directed by this Act ; but in case the surveyor shall be the informer, then the whole shall be applied toward the repair of such highway.

Application of penalties.

CIV. AND be it further enacted, that where any distress shall be made for any sum of money to be levied by virtue of this Act the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any default or want of form in any proceedings relating thereto, nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity which shall be afterwards done in making the distress, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case: Provided always, that no plaintiff shall recover in any action for any irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made by or on behalf of the party who shall have committed or cause to be committed any such irregularity, trespass, or wrongful proceedings, before such action brought ; and in case no such tender shall have been made, it shall and may be lawful for the defendant in any such action, by leave of the court where such action shall depend at any time before issue joined, to pay into court such sum of money as he shall see fit, whereupon such proceedings or orders and judgment shall be had, made, and given in and by such court as in other actions where the defendant is allowed to pay money into court.

Distress not to be deemed unlawful for want of form in the proceedings, &c.

Plaintiff not to recover for irregularity if tender of amends be made, &c.

CV. PROVIDED also, and be it further enacted, that if any person shall think himself aggrieved by any rate made under or in pursuance of this Act, or by any order, conviction, judgment, or determination made, or by any matter or thing done, by any justice or other person in pursuance of this Act, and for which no particular method of relief hath been already appointed, such person may appeal to the justices at the next general or quarter sessions of the peace to be held for the county, division, riding, or place wherein the cause of such complaint shall arise ; such appellant first giving or causing to be given to the surveyor or surveyors, or to such justice or other person by whose act such person shall think himself aggrieved, notice in writing of his intention to bring such appeal, together with a statement in writing of the grounds of such appeal, within fourteen days after such rate shall have been made or cause of complaint shall have arisen, and within four days after such notice entering into a recognizance before some justice, with two sufficient sureties, conditioned to try such appeal at and abide the order of and pay such costs as shall be awarded by the justices at such general or quarter sessions ; and such justices, upon hearing and finally determining the matter of such appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against, as they shall think proper ; and their determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever : Provided nevertheless, that in case there shall not be time to give such notice and enter into such recognizance as aforesaid before the next sessions to be holden

Appeal may be made to quarter sessions against rate, &c.



after the making of any rate or the cause of complaint shall have arisen, then and in every such case such appeal may be made to the next following sessions, and shall be then heard and determined: Provided also, that it shall not be lawful for the appellant to be heard in support of such appeal unless such notice and statement shall have been so given as aforesaid, nor on the hearing of such appeal to go into evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

Provisions of  
41 Geo. 3.  
(U.K.) c. 28.  
applicable to  
appeals under  
this Act.

CVI. AND be it further enacted, that in all cases of appeal against the rate or assessment made in pursuance of this Act the several provisions and enactments contained in a certain Act made and passed in the forty-first year of the reign of his late Majesty King George the Third, intituled "An Act" for the better collection of the rates made for the relief of the poor," shall be applicable thereto, as if the same had been repeated and re-enacted in this Act with respect to such appeals.

Rates and pro-  
ceedings not to  
be quashed for  
want of form,  
&c.

CVII. PROVIDED always, and be it further enacted, that no rate, nor any proceeding to be had touching the conviction of any offender against this Act, or any order made or any other matter or thing done or transacted in or relative to the execution of this Act, shall be vacated or quashed for want of form, or be removed or removable (except as herein mentioned) by certiorari, or any other writ or process whatsoever, into any of his Majesty's courts of record at Westminster.

In cases of  
appeal, quarter  
sessions may  
grant a special  
case.

CVIII. AND be it further enacted, that in any case of appeal the court of quarter sessions before whom the same is heard and determined may, if they think fit, state the facts specially for the determination of his Majesty's Court of King's Bench thereon; in which case it shall be lawful to remove the proceedings, by writ of certiorari or otherwise, into the said Court of King's Bench.

Limitation of  
actions, &c.

CIX. AND be it further enacted, that no action or suit shall be commenced against any person for anything done in pursuance of or under the authority of this Act until twenty-one days notice has been given thereof in writing to the justice, surveyor, or person against whom such action is intended to be brought, nor after sufficient satisfaction or tender of satisfaction has been made to the party aggrieved, nor after three calendar months next after the fact committed for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other county or place; and the defendant in such action or suit may plead the general issue, and give this Act and every special matter in evidence, at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such action or suit was brought before twenty-one days notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid, or if any action or suit shall not be commenced within the time before limited, or shall be laid in any other county than as aforesaid, then the jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if, upon any demurrer in such action, judgment shall be given for the defendant therein, then and in any of the cases aforesaid such defendant shall have costs as between attorney and client, and shall have such remedy for recovering

General issue.

Costs.

the same as any defendant may have for his or her costs in any other case by law.

CX. AND be it further enacted, that the several fees hereafter limited and expressed, and no others, shall be taken by the clerk of the peace, clerk to the justices, or others, for their several respective services in the execution of this Act; (that is to say,) the sum of sixpence for every information; the sum of one shilling for every summons or warrant, and sixpence for the service thereof; the sum of sixpence for every notice, and sixpence for the service thereof; the sum of one shilling for every order, and sixpence for the service thereof; the sum of two shillings for every warrant of distress; the sum of one shilling for every appointment; and the sum of two shillings for every conviction: Provided always, that in no place regulated by a local Act of Parliament, when the amount of the fees to be taken by the clerk to the justices or others in any proceeding for the recovery of any rate shall be less than the fees herein-before mentioned, shall it be lawful for such clerk to the justices or others to demand or take a greater fee for any similar proceeding under this Act than the fee which may be mentioned or directed to be taken by such local Act.

Amount of fees.

CXI. AND be it further enacted, that if the inhabitants of any parish shall agree at a vestry to defend any indictment found against any such parish, or to appeal against any order made by or proceeding of any justice of the peace in the execution of any powers given by this Act, or to defend any appeal, it shall and may be lawful for the surveyor of such parish to charge in his account the reasonable expenses incurred in defending such prosecution, or prosecuting or defending such appeal, after the same shall have been agreed to by such inhabitants at a vestry or public meeting as aforesaid, and allowed by two justices of the peace within the division where such highway shall be; which expenses, when so agreed to or allowed, shall be paid by such parish out of the fines, forfeitures, payments, and rates authorized to be collected and raised by virtue of this Act: Provided nevertheless, that if the money so collected and raised is not sufficient to defray the expenses of repairing the highways in the said parish, as well as of defending such prosecution or prosecuting or defending such appeal as aforesaid, the said surveyor is hereby authorized to make, collect, and levy an additional rate in the same manner as the rate by this Act is authorized to be made for the repair of the highway.

Payment of expenses for defending prosecutions, &c., when agreed upon at a vestry meeting.

CXII. AND be it further enacted, that nothing in this Act contained shall be construed to abridge, repeal, alter, amend, or interfere with the powers and provisions contained in an Act passed in the fifty-seventh year of the reign of King George the Third, intituled "An Act for better paving, improving, and regulating the streets of the metropolis, and removing and preventing obstructions therein," or the powers and provisions contained in any Act relating to any particular parish or place for any of the purposes in this Act mentioned.

Saving as to 57 Geo. 3. c. xxix. and other local Acts.

CXIII. PROVIDED always, and be it further enacted, that nothing in this Act contained shall apply to any turnpike roads, except where expressly mentioned, or to any roads, bridges, carriageways, cartways, horseways, bridleways, footways, causeways, churchways, or pavements, which now are or may hereafter be paved, repaired, or cleansed, broken up, or diverted, under or by virtue of the provisions of any local or personal Act or Acts of Parliament.

Act not to extend to turnpike roads, or to roads under local Acts.

Act not to  
affect the  
universities;

CXIV. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend to alter or in any manner to affect any of the rights or privileges of the universities of Oxford or Cambridge, or any of the powers vested by charter or otherwise in the chancellors, masters, and scholars, and their successors, of the said universities.

nor the rights  
of the city of  
London, &c.;

CXV. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend to alter or in any manner affect the city of London and the liberties thereof, or the rights, interests, privileges, franchises, or authorities of the mayor and commonalty and citizens of the city of London, or their successors, or the lord mayor and aldermen of the said city, or the lord mayor of the said city for the time being as conservator of the river Thames or otherwise, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction, which at the time of making this Act the said mayor and commonalty and citizens, the said lord mayor and aldermen of the said city, or the said lord mayor for the time being as conservator of the river Thames or otherwise, did or might lawfully claim, use, or exercise by any Act of Parliament or otherwise, or to vary or alter any of the provisions or regulations thereby made, directed, or provided, within the said city of London and the liberties thereof, anything herein contained to the contrary thereof in anywise notwithstanding.

nor the Act  
1 Geo. 4. c. vii.;

CXVI. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend to alter or in any manner affect the provisions of an Act passed in the first year of the reign of his late Majesty King George the Fourth, intituled, "An Act for regulating the repairs of bridges in the county of Montgomery," so far as the same relates to the repairs of so much of the highways as lie next adjoining to any ends of any bridges within the said county of Montgomery, the repairs of which have already been made chargeable upon the rates of the said county under the provisions of the said recited Act.

nor the powers  
of commis-  
sioners of  
sewers.

CXVII. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend to or be deemed or construed to extend to alter, affect, restrain, or abridge the powers or authorities given to the commissioners of sewers by any Act of Parliament whatsoever, or to vary or alter any of the provisions or regulations thereby made, directed, or provided, anything herein contained to the contrary thereof in anywise notwithstanding.

Forms of pro-  
ceedings under  
this Act.

CXVIII. AND be it further enacted, that the forms of proceedings relative to the several matters contained in this Act which are set forth and expressed in the schedule hereto annexed shall be used upon all occasions, with such additions or variations only as may be necessary to adapt them to the particular exigencies of the case; and that no objection shall be made or advantage taken for want of form in any such proceedings by any person whomsoever.

Commence-  
ment of Act.

CXIX. AND be it further enacted, that this Act shall commence and take effect from and after the twentieth day of March one thousand eight hundred and thirty-six.

\* \* \* \* \*

The SCHEDULE (stating the Forms) to which this Act refers.

No. 1.

NOTICE to Person of his having been elected Surveyor.

A.B. take notice, that you were, at a meeting held at [insert the name of the parish, &c.] on the                      day of                      elected and chosen surveyor [or one of the surveyors] of the highways for the said [parish, &c.] for the year ensuing.

Dated the                      day of                      .

C.D. chairman.

To A.B. of                      .

No. 2.

APPOINTMENT of Surveyor with Salary.

At a meeting of the inhabitants of                      in vestry assembled at                      on the                      day of                      A.B. was nominated, elected, and appointed as surveyor of such parish, for the purpose of carrying into execution the provisions of an Act passed in the fifth and sixth year of the reign of King William the Fourth, intituled "An Act," &c. [here set out title of Act], for the year ensuing; and the salary to be allowed to the said A.B. was fixed at the sum of                      payable on                      .

Dated the                      day of                      .

C.D. chairman.

No. 3.

APPOINTMENT of Surveyor by Justices.

(to wit.) } At a special sessions for the highways held at                      in the division, &c. of                      by justices of the peace for the said county acting within the said division, &c. on the                      day of                      .

Whereas it hath appeared to us the said justices, on the oath of A.B. an inhabitant of the parish of                      that the inhabitants of the said parish in vestry assembled have neglected [or refused] to nominate and elect a surveyor in manner and for the purposes mentioned in a certain Act made and passed in the fifth and sixth year of the reign of King William the Fourth, intituled "An Act," &c. [here set out title of Act] [or, that the surveyor appointed by the inhabitants of the said parish is dead, or has ceased to possess the qualification required by the said Act, or has become

disqualified, or has neglected to act, or has refused to carry into operation the duties imposed upon him by the said Act], we do therefore hereby appoint you C.D. of \_\_\_\_\_ surveyor for such parish for the year ensuing [or for the space of \_\_\_\_\_] with the salary of \_\_\_\_\_ for your trouble; and you the said C.D. are faithfully and truly to execute the office of surveyor according to the directions of the said statute.

Given under our hands the day and year first above mentioned.

To C.D.

E.F.

G.H.

No. 4.

FORM of Highway Rate.

Name of Occupiers or Persons rated.	Description of the Premises and Property rated.	Annual Value.	Sums assessed at 10d. in the Pound.
A. B.       -       -	House and garden       -       -	£   s.   d. 5   0   0	£   s.   d. 0   4   2
C. D.       -       -	A farmhouse, lands, and buildings	100   0   0	4   3   4
E. F.       -       -	A warehouse       -       -       -	20   0   0	0   16   8
and so forth.			

A.B. } surveyor [or surveyors] of the parish  
C.D. } of









## No. 10.

LICENCE from Justices at Special Sessions for the Highways for a Survey, or to dig, &c. Materials upon inclosed Lands, for the Repair of Highways.

(to wit.) } To the surveyor of the parish of \_\_\_\_\_ in the  
 } hundred of \_\_\_\_\_ in the said county.

WHEREAS by an Act passed in the fifth and sixth year of the reign of King William the Fourth, intituled "An Act," &c. [here set out title of Act], the surveyor is authorized to dig, get, take, and carry away materials lying upon any lands or grounds within the parish for which he is appointed, for the use and benefit of the highways, but not without the consent of the occupier or owner of such lands or grounds, or his agent, or a licence from the justices at a special sessions for the highways: And whereas it appears to us,

his Majesty's justices of the peace for the said county, and acting within the said [hundred, &c.] at a special sessions for the highways assembled, upon the oath of C.D. the said surveyor [or one of the surveyors], that he hath applied to A.B. of \_\_\_\_\_ for his consent to dig, get, take, and carry away materials from the lands called or known by the names of \_\_\_\_\_ and \_\_\_\_\_ in his occupation [or of which he is the owner, or in the occupation of J.K. or of which J.K. is the owner, and the said A.B. his agent], within the said [parish, &c.] for the purposes aforesaid, and that the said materials are necessary for the repairs of the highways, and that the said A.B. hath refused to permit the same to be dug, got, taken, and carried away; and the said A.B. having been duly summoned to appear before us, to show cause why such permission should not be granted, and having appeared before us accordingly, [or having sent his steward or agent or C.D. on his behalf, to attend us on that occasion, or, but not having appeared,] we have heard what has been alleged, and taken the said matter into consideration, and are of opinion that the said materials are necessary, and ought to be dug, got, taken, and carried away for the purposes aforesaid: Therefore we do hereby give our licence for the said surveyor [or surveyors] to dig, get, take, and carry away the same accordingly, the said surveyor making satisfaction for the same, and also for the damage done to such lands, in the manner directed by the said Act. Given under our hands the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_.

J.P.  
K.P.

## No. 11.

LICENCE from Justices at a Special Sessions for the Highways to get Materials for the Repair of the Highways in another Parish besides that wherein such Materials are to be employed.

(to wit.) } At a special session for the highways held at \_\_\_\_\_ in the  
 } hundred, &c. of \_\_\_\_\_ in the said county by justices  
 of the peace for the said county acting within the said hundred, on  
 the \_\_\_\_\_ day of \_\_\_\_\_.

It appearing to us, upon evidence this day received, that sufficient materials cannot conveniently be had within the waste land, common grounds, rivers, or brooks, nor in the inclosed lands or grounds lying within the [parish, &c.]

of in the said hundred, for the repairs of the highways within the said [parish], nor in the waste lands, common grounds, rivers, or brooks, within the [parish] of adjoining the said [parish] of we do hereby give our licence to the surveyor [or surveyors] of the said [parish] of to search for, dig, get, and carry materials within the inclosed lands or grounds of C.D. within the said [parish] of to be employed in the repair of the highways within the said [parish] of

it appearing from evidence before us that there are proper materials within the said lands for the purposes aforesaid lying convenient to the said highways, and that after such materials shall be so taken there will be sufficient left for the use of the highways within the said parish of upon the said surveyor [or surveyors] making satisfaction for the same, and also for the damage done to such lands, in the manner directed by the Act made and passed in the fifth and sixth year of the reign of King William the Fourth, intituled "An Act," &c. [here set out title of Act], subject to such restrictions as are therein contained. Given under our hands, the day and year above written.

J.P.  
K.P.

---

No. 12.

INFORMATION to enable Justices to fix Boundaries of Highway lying in Two Parishes.

County of

} At a special sessions for the highways holden, &c.

I.S., the surveyor [or one of the surveyors] of the parish of A., came before the justices aforesaid, and informed them, that there is in the said county a certain common highway, leading from M. to N., and that there is a certain part of the said highway, that is to say, so much thereof as lies between a certain place called C. and a certain other place called D., being in length [as the case may be], one side of which last-mentioned part of the said highway adjoining to the parish of A. lies within the said parish of A., and is to be and of right ought to be repaired by the said parish of A. [or by, &c., describing the body politic or corporate, or person, liable to the repair], and that the other side of the same part of the said highway adjoining to the parish of B. lies within the parish of B., and is to be and of right ought to be repaired by the said parish of B. [or by, &c.], and stating that the repair of such part of the said highway is very inconvenient to the parishes aforesaid, and the want thereof detrimental to the public; and therefore praying that such part of the said highway may be allotted and apportioned for the repair thereof by the justices aforesaid to the said several parishes of A. and B. [or to, &c.] in the manner directed by an Act passed in the fifth and sixth year of the reign of King William the Fourth, intituled "An Act," &c. [set out title of Act.] See plan.

(Signed) I.S., one of the surveyors of  
parish of A.

The above application was made to us  
the day and year first above written.

J.P.  
K.P.

---

## No. 13.

SUMMONS to be subjoined to a Copy of the above Information.

County of } To the surveyor [or surveyors] of the parish of B. in the said  
 } county, any or either of them :

WHEREAS a certain information has been given to us, his Majesty's justices of the peace for the said county, at a special sessions for the highways, by I.S., the surveyor [or one of the surveyors] of the parish of A. in the said county, a true copy whereof is above written: These are, in his Majesty's name, to summon you, any or either of you, to appear before us at in the said county on the day of to show cause (if any) why an allotment and apportionment of the highways therein mentioned should not be made according to the provisions of the Act referred to in the said information. Hereof fail not. Given under our hands, this day of

J.P.  
K.P.

## No. 14.

FINAL ORDER and Adjudication to be filed with the Clerk of the Peace.

WHEREAS, &c.

- 1.—State the original application.
- 2.—The summons.
- 3.—The appearance, and that the parties were heard, or their non-appearance.

Now we, the justices aforesaid, having fully heard and understood the premises, do declare, adjudge, and order that the said highway shall be divided in the following manner; (that is to say,) that at the distance of measuring from the place called C. there shall be erected certain posts or stones, E. and F., on each side of the said highway, and the whole of the said highway from the place called C. to such posts or stones shall be from time to time and at all times hereafter repaired by the parish of A. [or by, &c.], and the whole of the said highway from such posts or stones to the place called D. shall from time to time and at all times hereafter be repaired by the parish of B. [or by, &c.]

In witness whereof we have hereunto set our hands, this day of

J.P. (L.S.)  
K.P. (L.S.)

## No. 15.

NOTICE from Surveyor to remove Nuisances.

To C.D. of

IN pursuance of the directions given by an Act passed in the fifth and sixth year of the reign of King William the Fourth, intituled "An Act," &c., I, A.B., &c., the surveyor [or one of the surveyors] of the parish of do hereby give you notice forthwith to remove the [filth, dung, ashes, rubbish,

&c.] placed by you on a certain part of the King's highway lying between  
 and in the [parish] of to the  
 obstruction and annoyance of the said highway.

Dated this day of

A.B. &c.

### No. 16.

#### ORDER of Two Justices for widening a Highway.

(to wit.) } We two of his  
 Majesty's justices of the peace for the said county acting within  
 the [hundred, &c.] of within the said county, having,  
 upon view, found that a certain part of the highway between  
 and in the [parish, &c.] of in the said [hundred],  
 for the length of yards or thereabouts, and particularly described  
 in the plan hereunto annexed, is for the greatest part thereof narrow, but  
 may be conveniently enlarged and widened by adding thereto, from the lands  
 and grounds of and of the length  
 of yards or thereabouts, and of the breadth of feet  
 or thereabouts, particularly described in the plan hereunto annexed, which we  
 think will widen and enlarge the same, and be much more commodious to the  
 public, do hereby order that the said highway be widened and enlarged  
 accordingly, and that the surveyor [or surveyors] of the [parish, &c.] of  
 where the said old highway lies, do forthwith proceed to  
 treat and make agreement with the said and for  
 the recompence to be made for the said ground and for the making such  
 ditches and fences as shall be necessary, in such manner, with such approba-  
 tion, and by pursuing such measures and directions in all respects as are  
 warranted and prescribed by the statute made in the fifth and sixth year of  
 the reign of King William the Fourth, intituled "An Act," &c.; and in case  
 such agreement shall be made as aforesaid, we do order an equal assessment,  
 not exceeding the rate of in the pound, to be made, levied, and  
 collected upon all and every the parties liable to the payment of the highway  
 rate in the said [parish, &c.] of and that the money arising  
 thereupon be paid and applied in making such recompence and satisfaction as  
 aforesaid, pursuant to the directions of the said Act.

A.B.

C.D.

### No. 17.

#### CERTIFICATE from the said Justices to the Court of Quarter Sessions.

To the justices of the peace at their general quarter sessions to be held  
 at in the said county, the day  
 of one thousand eight hundred and

WE, the within-named A.B. and C.D., do hereby certify to the said court of  
 quarter sessions, that we made and signed the within order, and that with  
 our approbation and by our direction the said surveyor [or surveyors] has  
 [or have] treated with the said and for the said  
 lands required for the purposes aforesaid, but was not able to make any

This is to be  
 written upon  
 the above order  
 when no agree-  
 ment can be  
 made.

agreement for that purpose with them or either of them, and that he tendered to the said the sum of and to the said the sum of as a recompence for the said ground, and for the making the said ditches and fences which he [or they and each of them] refused to receive.

A.B.

C.D.

## No. 18.

CONSENT from the Owner of the Land through which a new Highway is proposed to be made.

I A.B. of in the county of being the owner of the lands described in the plan hereunto annexed, through which part of a certain highway lying between and is intended to be diverted and turned, in consideration of the sum of to be paid to me for the said land and soil thereof, do hereby consent to the making and continuing such new highway through my said lands.

Given under my hand, this day of one thousand eight hundred and .

## No. 19.

## FORM of Notice of diverting, &amp;c. Highway.

NOTICE is hereby given, that on the day of next application will be made to his Majesty's justices of the peace assembled at quarter sessions in and for the county of at for an order for [if the order be for turning, diverting, and stopping up, &c., here to state it, and describe the road ordered to be turned, diverted, and stopped up; if the order be for stopping up a useless road, here to state it, and describe the road ordered to be stopped up;] and that the certificate of two justices having viewed the same, &c. with the plan of the old and proposed new highway, will be lodged with the clerk of the peace for the said county on the day of next.

A.B. { Surveyor [or surveyors] of the parish  
C.D., &c. { of .

## No. 20.

## SUMMONS for any Person or Persons to attend a Justice or Justices.

To A.B.

(to wit.) } WHEREAS complaint and information hath been made upon oath  
} before me, C.D., one of his Majesty's justices of the peace for the said [county, &c.], by E.F. of that, &c. [here state the nature and circumstances of the case as far as it shall be necessary to show the offence, and to bring it within the authority of the justice; and in doing that follow the words of the Act as near as may be]: These are therefore to require you personally to appear before me [or the justices to be assembled

at their petty sessions (or special sessions for the highways) to be holden at \_\_\_\_\_ in the said county, &c.] on the \_\_\_\_\_ day of \_\_\_\_\_ next, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, to answer to the said complaint and information made by the said E.F., who is likewise directed to be then and there present to make good the same. Herein fail not.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_ .

## No. 21.

## INFORMATION.

(to wit.) } BE it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_  
A.B. of \_\_\_\_\_ in the said county informeth and maketh  
oath before me \_\_\_\_\_ one of his Majesty's justices of the peace for  
the said county, that \_\_\_\_\_ of \_\_\_\_\_ in the said county  
[here describe the offence, with the time and place, and follow the words of  
the Act as near as may be], contrary to the statute in the fifth and sixth year  
of the reign of his Majesty King William the Fourth, intituled "An Act," &c.  
[here set out title of Act], which hath imposed a forfeiture \_\_\_\_\_ for  
the said offence.

Taken and sworn, the \_\_\_\_\_ day of \_\_\_\_\_ before me,  
A.B.

## No. 22.

## FORM of Conviction.

(to wit.) } BE it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the  
\_\_\_\_\_ year of our Lord \_\_\_\_\_ at \_\_\_\_\_ in  
the county aforesaid, A.B. came before us \_\_\_\_\_ of his Majesty's  
justices of the peace for the said county, and informed us that E.F. of  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ now  
last past, at \_\_\_\_\_ in the said county, did [set forth the fact in  
the manner described by the Act], whereupon the said E.F., after being duly  
summoned to answer the said charge, appeared before us \_\_\_\_\_ on  
the \_\_\_\_\_ day of \_\_\_\_\_ in the said county, and having  
heard the charge alleged against him, declared that he was not guilty of the  
said offence; but the same being fully proved upon the oath of G.H., a  
credible witness, it manifestly appears to us the said justices that he the said  
E.F. is guilty of the offence charged upon him in the said information: It is  
therefore considered and adjudged by us the said justices that the said E.F.  
be convicted, and we do hereby convict him of the offence aforesaid; and we  
do hereby declare and adjudge that he the said E.F. hath forfeited the sum  
of \_\_\_\_\_ of lawful money of Great Britain for the offence aforesaid,  
to be distributed as the law directs, according to the form of the statute in  
that case made and provided. Given, &c.

[After the words "being duly summoned to answer the said charge," insert  
"did not appear before us pursuant to the said summons," or "did neglect  
"and refuse to make any defence against the said charge;" but the same being  
fully proved, &c. as before.]

This is to be  
inserted when  
the party re-  
fuses to appear  
upon the  
summons.

This is to be inserted when the party accused confesses the charge.

[After the words "charge alleged against him," insert "acknowledged and voluntarily confessed the same to be true;" and it manifestly appears to us the said justices, &c. as above.]

## No. 23.

## WARRANT to distrain for the Forfeiture.

(to wit.) } To the constable [headborough or tithingman] of

WHEREAS A.B. of in the said county [yeoman, &c.] is this day convicted before us, two of his Majesty's justices of the peace in and for the said county, upon the oath of G.H. a credible witness, for that the said A.B. hath [here set forth the offence, describing it particularly in the words of the Act, as near as may be,] contrary to the statute in that case made and provided; by reason whereof the said A.B. hath forfeited the sum of to be distributed as herein is mentioned, which he hath refused to pay: These are therefore in his Majesty's name to command you to levy the said sum of by distress of the goods and chattels of him the said A.B.; and if within the space of four days next after such distress by you taken the said sum of together with the reasonable charges of taking and keeping the same, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you do pay one half of the said sum of to E.F. of who informed me of the offence, and the other half of the said sum of to I.K., the surveyor of the parish [township or place] where the said offence [neglect or default] happened, to be employed towards the repair of the said highways, returning the overplus, upon demand, to him the said A.B., the reasonable charges of taking, keeping, and selling the said distress being first deducted; and if sufficient distress cannot be found of the goods and chattels of the said A.B. whereon to levy the said sum of that then you certify the same to us, together with this warrant.

This to be varied according to the Act in each particular case.

Given under our hands, the day of .

C.D.  
E.F.

## No. 24.

## RETURN of the Constable to be made upon the Warrant of Distress when there are no Effects.

I A.B., constable of the [parish, &c.] of in the county of do hereby certify and make oath, that by virtue of this warrant I have made diligent search for the goods of the within-named and that I can find no sufficient goods whereon to levy the within sum of .

As witness my hand, the day of .

A.B.

Sworn before me, the day and year, &c.

C.D.

## No. 25.

## COMMITMENT for want of Distress.

(to wit.) } To the [constable] of \_\_\_\_\_ in the said county, and to the  
 keeper of the common gaol [or house of correction] at \_\_\_\_\_  
 in the said county.

WHEREAS A.B. of \_\_\_\_\_ in the said county, yeoman, was on  
 the \_\_\_\_\_ day of \_\_\_\_\_ convicted before us, two of his Majesty's  
 justices of the peace in and for the said county, upon the oath of E.F., a  
 credible witness, for that he the said A.B. [here set forth the offence], con-  
 trary to the statute made in the fifth and sixth year of the reign of King  
 William the Fourth, intituled "An Act," &c. [here set out title of Act], by  
 reason whereof the said A.B. hath forfeited the sum of \_\_\_\_\_ : And  
 whereas on the \_\_\_\_\_ day of \_\_\_\_\_ in the year aforesaid we  
 did issue our warrant to the [constable] of \_\_\_\_\_ to levy the said  
 sum of \_\_\_\_\_ by distress and sale of the goods and chattels of him the  
 said A.B., and to distribute the same according to the directions of the said  
 statute: And whereas it duly appears to us upon the oath of the said  
 [constable] that the said [constable] hath used his best endeavours to levy  
 the said sum on the goods and chattels of the said A.B. as aforesaid, but  
 that no sufficient distress can be had whereon to levy the same: These are  
 therefore to command you the said [constable] of \_\_\_\_\_ aforesaid to  
 apprehend the said A.B., and him safely convey to the common gaol [or  
 house of correction] at \_\_\_\_\_ in the said county, and there deliver  
 him to the keeper thereof, together with this precept; and we do hereby  
 also command you the said keeper to receive and keep in your custody, and  
 to keep to hard labour the said A.B. for the space of \_\_\_\_\_ unless the  
 said sum shall be sooner paid, pursuant to the said conviction and warrant;  
 and for so doing this shall be your sufficient warrant.

Given under our hands, the \_\_\_\_\_ day of \_\_\_\_\_ in the year of  
 our Lord \_\_\_\_\_

C.D.

E.F.

## CHAPTER LI.

AN ACT for granting Relief to the Island of Dominica; and to amend an Act  
 of the Second and Third Years of His present Majesty, for enabling His  
 Majesty to direct the Issue of Exchequer Bills to a limited Amount for  
 the Purposes therein mentioned. [31st August 1835.]

WHEREAS in consideration of the heavy losses which have been sustained  
 in the island of Dominica, in consequence of hurricanes, it is expedient  
 that immediate relief should be granted to the inhabitants of that island:

II. AND whereas by an Act passed in the second and third years of his  
 present Majesty's reign, intituled "An Act for enabling his Majesty to direct  
 " the issue of Exchequer bills to a limited amount, for the purposes and in  
 " the manner therein mentioned, and for giving relief to Trinidad, British  
 " Guiana, and Saint Lucie," it was lawful for his Majesty, in consideration of  
 the heavy losses which had been sustained in the islands of Jamaica, Bar-  
 badoes, Saint Vincent's, and Saint Lucie, in consequence of the late insurrec-

Recital of  
 2 & 3 Will. 4.  
 c. 125.



tions in the island of Jamaica and of hurricanes in the other islands, to authorize and empower the commissioners of his Majesty's Treasury to direct any number of Exchequer bills to the amount of one million to be issued to certain commissioners constituted and appointed by that Act, to be by them advanced, under certain regulations and restrictions and in the manner therein mentioned, for the assistance and accommodation of the said islands, and of such persons having property therein and connected therewith or trading thereto as should be desirous of receiving the same, on due security being given for the repayment of the sums so advanced within a limited time: And whereas the said commissioners, in the execution of the said in part recited Act, have lent and advanced divers sums of money in the manner by the said Act authorized, but have not yet disposed of the whole sum of one million by the said Act authorized to be advanced: And whereas, for the reasons before mentioned, it is expedient that provision should be made for granting further relief to the said island of Dominica: Be it therefore further enacted, that it shall and may be lawful for the commissioners acting in the execution of the said recited Act to advance any sum or sums not exceeding in the whole eighty thousand pounds of Exchequer bills, for the assistance and accommodation of the said island of Dominica, out of such part of the said sum of one million Exchequer bills by the said Act authorized to be issued which has not already been or shall not hereafter be paid, advanced, or lent by the said commissioners; and it shall and may be lawful for the said commissioners to appropriate any sum or sums, not exceeding in the whole eighty thousand pounds, to the said island of Dominica; and any part of the said sum of eighty thousand pounds not exceeding ten thousand pounds shall and may be advanced by the said commissioners to such persons as may be duly authorized and appointed by any Act passed or to be passed by the legislature of the said island of Dominica to borrow the same for the public service and on the credit of the revenues or public property of the said island, upon the said commissioners being satisfied that the said sum so to be advanced, together with interest thereon at the rate of four pounds per centum per annum, is duly secured by some Act passed or to be passed by the legislature of the said island. [Rep., Stat. Law Rev. Act, 1874.]

Commis-  
sioners under  
recited Act  
may advance  
out of the sum  
of 1,000,000*l.*  
to them issued,  
80,000*l.* for the  
assistance of  
Dominica;  
10,000*l.* of  
which may be  
appropriated  
for the public  
service on cer-  
tain conditions.

Purposes for  
which the  
80,000*l.* shall  
be advanced.

III. AND be it further enacted, that the said sum of eighty thousand pounds of the said Exchequer bills, after deducting therefrom such part (if any) as shall be lent for the public service of the said island of Dominica, shall be advanced and lent by the said commissioners for the purpose of enabling the owners of and persons interested in the estates and property which have sustained injury in the said island from hurricanes to resume the cultivation and habitation of such estates and property, and the manufacture of the produce of such estates, by restoring the works and machinery destroyed or injured, and providing the requisite contingencies and supplies for such estates and the apprenticed labourers belonging thereto, and restoring (as far as the same can be accomplished) such estates and property to the condition in which the same were before the said injuries were sustained: [Rep., Stat. Law Rev. Act, 1874.] . . . . .

Advances  
under this Act  
to be made  
in the same  
manner as  
advances under  
recited Act.

IV. AND be it further enacted, that all such advances shall be made in such and the same manner, and under and subject to such and the same conditions, provisions, and restrictions, and on such securities, and in all respects whatsoever as is provided and directed by the said in part recited Act with regard to advances to be made to owners and persons interested in the estates in the said islands of Jamaica, Barbadoes, Saint Vincent's, and Saint Lucie, and in all respects whatsoever, so far as the same can be made applicable and are not varied by this Act, as if the said island of Dominica had been included in the said Act as one of the islands to be relieved, and as if the said commissioners had been by the said Act authorized to appropriate to the said island of Dominica such a portion of the said million of Exchequer bills as is hereby directed to be apportioned to the said island of Dominica. [Rep., Stat. Law Rev. Act, 1874.]

Provisions of  
recited Act to  
extend to this  
Act.

[V.\*] AND be it further enacted, that all and every the several clauses, powers, provisions, enactments, penalties, and restrictions in the said Act

[\* So much of section 5 as incorporates or applies any repealed enactment, rep., Stat. Law Rev. Act, 1874.]

contained, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if all such clauses, powers, provisions, and enactments were herein repeated and made applicable to the said island of Dominica, and to the loans and grants to be made in pursuance of this Act, and to every matter and thing to be done in pursuance of this Act; and all and every the securities to be taken in pursuance of this Act shall be taken in such manner as by the said Act is directed with respect to the securities thereby authorized or directed to be taken; and all and every such securities shall have such force, priority, and effect in all respects as if they were taken in pursuance of and under the authorities of the said in part recited Act; and all and every the rules, orders, and directions made or to be made by the said commissioners shall apply to the said island of Dominica, and the loans to be granted and the securities to be taken in pursuance of this Act, in all respects whatsoever, as if the loans hereby authorized to be made had been authorized by the said Act.

\* \* \* \* \*

VII. AND be it further enacted, that it shall be lawful for the said commissioners for the time being to appoint commissioners in the said island of Dominica to act in their aid and under their directions, as in the said in part recited Act is provided with regard to commissioners in aid to be appointed in the islands in that Act mentioned.

Commissioners  
may appoint  
commissioners  
in aid.

\* \* \* \* \*

IX. AND be it further enacted, that it shall be lawful for any two or more of the said commissioners acting in the execution of the said in part recited Act or of this Act to re-convey or re-assign all or any of the securities taken or to be taken to his Majesty or otherwise under the authority of the said in part recited Act or of this Act, or any of them, on payment of the monies thereby secured, or to release any part of the estates or effects charged as a security for any loan made or to be made, in case the said commissioners shall think fit that any of the securities for the same should be released, either on the substitution of any further or other security or not, as the case shall be.

Commissioners  
may re-convey  
securities taken  
under recited  
Act and this  
Act, on pay-  
ment of the  
money secured,  
&c.

\* \* \* \* \*

## CHAPTER LII.

AN ACT to authorize the Court of Directors of the East India Company to suspend the Execution of the Provisions of the Act of the Third and Fourth William the Fourth, Chapter Eighty-five, so far as they relate to the Creation of the Government of Agra. [31st August 1835.]

WHEREAS by an Act of Parliament made and passed in the fourth year of the reign of his present Majesty, intituled "An Act for effecting an arrangement with the East India Company, and for the better government of his Majesty's Indian territories, till the thirtieth day of April one thousand eight hundred and fifty-four," it is among other things enacted, that the territories then subject to the government of the presidency of Fort William in Bengal shall be divided into two distinct presidencies, one of such presidencies, in which shall be included Fort William aforesaid, to be styled the presidency of Fort William in Bengal, and the other of such presidencies

3 & 4 Will. 4.  
c. 85. s. 38.

East India Company may suspend provisions of recited Act as to the division of the territories into two presidencies.

to be styled the presidency of Agra : And whereas much difficulty has arisen in carrying such enactment into effect, and the same would be attended with a large increase of charge : Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the court of directors of the East India Company, under the direction and control of the board of commissioners for the affairs of India, to suspend the execution of the provisions of the said in part recited Act so far as the same relate to the division of the said territories into two distinct presidencies, and to the measures consequent thereupon, for such time and from time to time as the said court of directors, under the direction and control of the said board of commissioners, shall think fit.

Governor general, during such suspension, may appoint a lieutenant governor of the north-western provinces.

II. AND be it further enacted, that for and during such time as the execution of such provisions aforesaid shall be suspended by the authority aforesaid it shall and may be lawful for the governor general of India in council to appoint from time to time any servant of the East India Company, who shall have been ten years in their service in India, to the office of lieutenant governor of the north-western provinces now under the presidency of Fort William in Bengal, and from time to time to declare and limit the extent of the territories so placed under such lieutenant governor, and the extent of the authority to be exercised by such lieutenant governor, as to the said governor general in council may seem fit.

#### CHAPTER LIV.

AN ACT to render certain Marriages valid, and to alter the Law with respect to certain voidable Marriages. [31st August 1835.]

Marriages before the passing of this Act of persons within prohibited degrees of affinity not to be annulled.

WHEREAS marriages between persons within the prohibited degrees are voidable only by sentence of the ecclesiastical court pronounced during the lifetime of both the parties thereto, and it is unreasonable that the state and condition of the children of marriages between persons within the prohibited degrees of affinity should remain unsettled during so long a period, and it is fitting that all marriages which may hereafter be celebrated between persons within the prohibited degrees of consanguinity or affinity should be ipso facto void, and not merely voidable: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all marriages which shall have been celebrated before the passing of this Act between persons being within the prohibited degrees of affinity shall not hereafter be annulled for that cause by any sentence of the ecclesiastical court, unless pronounced in a suit which shall be depending at the time of the passing of this Act: Provided that nothing herein-before enacted shall affect marriages between persons being within the prohibited degrees of consanguinity.

Future marriages of persons within prohibited

II. AND be it further enacted, that all marriages which shall hereafter be celebrated between persons within the prohibited degrees of consanguinity

or affinity shall be absolutely null and void to all intents and purposes whatsoever.

degrees shall  
be absolutely  
void.

III. PROVIDED always, and be it further enacted, that nothing in this Act shall be construed to extend to that part of the United Kingdom called Scotland.

Act not to  
extend to  
Scotland.

\* \* \* \* \*

## CHAPTER LV.

AN ACT for facilitating the Appointment of Sheriffs in Ireland, and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in Ireland; and to amend the Laws relating to Grants in custodiam and Recovery of Debts in Ireland; and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland to the Commissioners for auditing the Public Accounts of Great Britain.

[9th September 1835.]

**W**HEREAS it appears by the twelfth report made to his Majesty by the commissioners appointed to inquire into the duties, salaries, and emoluments of the officers, clerks, and ministers of justice in all temporal and ecclesiastical courts in Ireland, that it is expedient to make provision for the better taking of the accounts of sheriffs and of custodees in trust for his Majesty, and to abolish the proceeding by custodiam for the recovery of debts due by subject to subject, and to substitute another remedy for it, and that certain offices in the Court of Exchequer in Ireland may be abolished: And whereas it is expedient to extend to Ireland certain provisions of an Act passed in the third and fourth years of his Majesty's reign, intituled "An Act for facilitating the appointment of sheriffs, and the more effectual audit and passing of their accounts, and for the more speedy return and recovery of fines, issues, forfeited recognizances, penalties, and deodands, and to abolish certain offices in the Court of Exchequer": Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act it shall not be necessary for any sheriff or sheriffs of any county, city, or town in Ireland to sue out any patent or writ of assistance, or to make or pay proffers, nor shall he or they be apposed or take any oath or oaths before the barons of the said court to account or be cast out of court, as now or heretofore in use in his Majesty's Court of Exchequer in Ireland; any law, statute, or usage to the contrary notwithstanding:

3 & 4 Will. 4.  
c. 99.

Sheriffs need  
not sue out  
patent or writ  
of assistance, or  
take oath, or  
be apposed in  
the Exchequer.

II. AND be it further enacted, that whenever any person shall be duly nominated by the lord lieutenant or other chief governor or governors of Ireland for and to be sheriff of any county in Ireland, such appointment shall be forthwith notified in the Dublin Gazette, and the appointment of every such sheriff shall be made by a warrant under the signature or signatures of the said lord lieutenant or other chief governor or governors of Ireland, according to the form set forth in the schedule hereto annexed, which schedule and

Sheriff to be  
appointed by  
warrant, &c.

every thing therein contained shall be deemed and be part of this Act; and every such warrant shall be made out by the chief or under secretary of the said lord lieutenant or other chief governor or governors, and shall be by him transmitted to the person so nominated and appointed sheriff as aforesaid; and the appointment of sheriff thereby made shall be as good, valid, and effectual in the law to all intents and purposes whatsoever as if the same had been made by patent under the great seal of Ireland, or by any ways and means heretofore in use; and the sheriff and sheriffs so nominated and appointed as aforesaid shall thereupon, and upon taking the oath of office hereafter mentioned, but not before, have and exercise all powers, privileges, and authorities whatsoever usually exercised and enjoyed by sheriffs of counties in Ireland, without any patent, writ of assistance, or other writ whatsoever, or entering into recognizance by himself or sureties, and without payment of or being liable to pay any fees whatsoever for the same.

Duplicate of warrant to be transmitted to secondary of chief remembrancer, to be enrolled.

III. PROVIDED always, and be it further enacted, that a duplicate of the said warrant shall within ten days next after the date thereof be transmitted by the said chief or under secretary to the secondary of the chief remembrancer of the said Court of Exchequer, to be by him enrolled, and which he is hereby required forthwith to enrol, and to keep without fee or reward.

Sheriff to transmit duplicate of appointment of under sheriff to the said secondary, to be filed, &c.

IV. AND be it further enacted, that from and after the commencement of this Act any person so appointed sheriff as aforesaid who shall nominate and appoint any person to be his under sheriff, shall make such appointment by writing under his hand, and shall within one month after such appointment transmit a duplicate thereof to the said secondary, to be by him filed, and which he is hereby required to file, among the records of his office, and for which he shall be entitled to demand and have from such under sheriff the sum of five shillings, and no more; and such appointment and duplicate shall not be liable to any stamp duty whatever; and any sheriff neglecting so to do shall forfeit a sum of one hundred pounds to any person who will sue for the same; and no such appointment to the office of under sheriff shall be invalid for or by reason of the person so appointed having exercised, executed, or officiated as under sheriff within three preceding years; nor shall the high sheriff appointing, or the person so appointed by him, be liable to any fine or penalty for exercising, executing, or officiating in the said office of under sheriff under such appointment; any law or statute heretofore made to the contrary notwithstanding.

Sheriff and under sheriff shall take oath of office before a baron, or the remembrancer, or a commissioner for taking affidavits in the Exchequer, &c.

V. AND be it further enacted, that each and every person so appointed sheriff and under sheriff as aforesaid shall before he enter upon the execution of his office take the oath heretofore and now required by law; which oath shall be fairly written on parchment, without being subject to stamp duty, and signed by him, and shall and may be sworn before the barons of his Majesty's Exchequer, or any of them, or before the said chief remembrancer, or any commissioner for taking affidavits in said court, and the same shall be thereupon transmitted to the said secondary, who is hereby required to file the same among the records of his office, for which he shall be entitled to demand and have from such sheriff or under sheriff the sum of five shillings, and no more; and no sheriff or under sheriff shall act as such until such affidavit shall be lodged with such secondary, on pain of forfeiture for any act so done a sum of one hundred pounds to any person who shall sue for the same.

VI. AND be it further enacted, that every sheriff of any county, city, liberty, division, town corporate, or place, shall at the expiration of his office make out and deliver to the new or incoming sheriff a true and correct list and account under his hand of all prisoners in his custody, and of all writs and other process in his hands not wholly executed by him, with all such particulars as shall be necessary to explain to the said incoming sheriff the several matters intended to be transferred to him, and shall thereupon turn over and transfer to the care and custody of the said incoming sheriff all such prisoners, writs, and process, and all records, books, and matters appertaining to the said office of sheriff; and the said incoming sheriff shall thereupon sign and give a duplicate of such list and account to the sheriff going out of office, to whom the same shall be a good and sufficient discharge of and from all the prisoners therein mentioned and transferred to the said incoming sheriff, and the further charge of the execution of the writs, process, and other matters therein contained, without any writ of discharge or other writ whatsoever; and the said incoming sheriff shall thereupon stand and be charged with the said prisoners, and also with the execution and care of the said writs, process, and other matters contained in the said list and account, as fully and effectually as if the same writs and process had been turned over by indenture and schedule; and in case any sheriff shall refuse or neglect at the expiration of his office to make out, sign, and deliver such list and account as aforesaid, or shall make out an untrue or incorrect list or account, or shall refuse or neglect to turn over the process aforesaid in manner aforesaid, every such sheriff so neglecting or refusing shall be liable to make such satisfaction by damages and costs to the party aggrieved as he, she, or they shall sustain by such neglect or refusal.

Outgoing sheriff to give a list of prisoners, writs, &c. to his successor, and transfer the same to him, &c.

VII. AND be it further enacted, that the accounts of the present and future sheriffs of counties, cities, and towns within Ireland shall from and after the commencement of this Act be examined and audited by the said chief remembrancer, who shall possess all such power, authority, and jurisdiction in respect thereof as is now possessed by the said court.

Accounts of sheriffs to be audited by the chief remembrancer.

VIII. AND be it further enacted, that every the person and persons who now is or are or who hereafter shall be sheriff or sheriffs of any county, city, or town within Ireland, or his or their representatives, shall, within two calendar months next after the expiration of his or their office, or, in case of the death of any sheriff or sheriffs, the under sheriff by him or them appointed, or the representative of such sheriff or sheriffs, shall, within two calendar months next after the death of such sheriff or sheriffs, make out and transmit to the said remembrancer a just and true account under his or their hand or hands of all sums received by such sheriff or sheriffs to or for the use of his Majesty, or with which he was or is chargeable, and of all sums paid or claimed by him or them, or on his or their behalf, with all such particulars as shall be needful to explain the same: Provided always, that such under sheriff shall not be personally responsible for any sum or sums received by such deceased sheriff, but that the same shall be answered by the representatives of the said deceased sheriff, or otherwise in due course of law.

Sheriff to transmit accounts to the remembrancer.

Under sheriff in certain cases not responsible for sums received by deceased sheriff.

IX. AND be it further enacted, that in case it shall be necessary for any such sheriff or sheriffs, or his or their under sheriff, to make oath or affidavit to any such account, or any matter or thing relating thereto, such oath or

Sheriff may make oath to the account before any baron, &c.

affidavit, except when the said remembrancer shall require his or their personal examination before him, shall and may be sworn before any of the barons of the Court of Exchequer, or before the said remembrancer, or before any commissioner of the said Court of Exchequer for taking affidavits therein.

Accounts to be declared by the remembrancer in the Court of Exchequer.

Payment of balances by sheriffs.

X. PROVIDED always, and be it further enacted, that the accounts by this Act required to be audited by the said remembrancer shall be declared and certified by him in the said court, and he shall have power to charge in such account such sum to such sheriff as he shall appear to be properly chargeable with; and every sheriff shall pay into the receipt of his Majesty's Exchequer at Dublin the balance due by him on such account at such time as shall be specified in such rule or order as the said remembrancer shall make thereon; and the said remembrancer shall thereupon, or as soon as conveniently may be, cause a certificate thereof, in the nature of a quietus, to be made out and delivered to such sheriff without fee or reward, which shall be equally valid and effectual as a quietus to discharge the accountant, and to all other intents and purposes.

Remembrancer to cause process to issue for recovering fines, &c.

XI. AND be it further enacted, that the said remembrancer shall cause to be made out and issued, according to the practice of the said court, and without fee or reward, process for duly levying and enforcing of all such fines, issues, amerciaments, penalties, forfeitures, recognizances, and deodands, payable to his Majesty, his heirs and successors (except as herein-after mentioned), which shall not have theretofore been levied, recovered, vacated, or discharged, and so from time to time, until the same shall be fully paid or levied, vacated, or discharged.

Treasury may stay proceedings, &c.

XII. AND be it further enacted, that it shall be lawful for the lord high treasurer or the commissioners of his Majesty's Treasury, and he or they are hereby authorized, by warrant under their hands directed to the proper officer or officers, to stay the issuing or execution of all or any of such process as aforesaid, and to vacate and discharge such fines, issues, amerciaments, penalties, forfeited recognizances, or deodands, or any of them, or any part thereof: Provided that nothing in this Act contained shall extend to enable the lord treasurer or the commissioners of his Majesty's Treasury to remit or restore any fines, issues, amerciaments, penalty, forfeited recognizance, or deodand, to which any body corporate or politic, person or persons, shall or may be entitled, which shall have been actually levied by or paid to them; and provided further, that nothing herein contained shall prevent the lord lieutenant or other chief governor or governors of Ireland from remitting any fine imposed on any person or persons as a punishment for any offence.

Persons interested in fines, &c. may examine accounts.

XIII. AND be it further enacted, that all bodies corporate and politic, and all and every other person and persons, having or claiming title to any fines, issues, amerciaments, penalties, forfeitures, recognizances, deodand, sum or sums of money contained in any account transmitted by virtue of this Act to the said remembrancer, shall and may, by themselves, or their, his, or her bailiff, steward, or agent, at all seasonable times, have access to the said accounts, and take minutes or extracts therefrom.

Treasury may direct payments to persons entitled.

XIV. AND be it further enacted, that it shall be lawful for the lord high treasurer, or any three or more of the commissioners of his Majesty's Treasury, from time to time to order and direct payment, by warrant under his or their

hand or hands, of the said fines, issues, amerciaments, penalties, forfeited recognizances, deodands, sum and sums of money, or any of them, to any body corporate or politic, person or persons entitled to the same, or to their, his, or her bailiff, steward, or agent: Provided always, that notwithstanding such payment any body politic or corporate or person or persons aggrieved thereby shall and may apply by petition in the manner herein-after mentioned against the party or parties to whom such payment shall have been made, to restore or refund the sum or sums by him or them so received.

XV. PROVIDED always, and be it further enacted, that in case the commissioners of his Majesty's Treasury shall neglect, refuse, or decline to order the payment of any fines, issues, amerciaments, penalties, forfeited recognizances, deodands, sum or sums of money so claimed as aforesaid, or if any party shall be aggrieved by any order made by the said commissioners, it shall be lawful for any such body or bodies corporate or politic, person or persons, to apply in a summary way by petition to the lord chief baron and the other barons of his Majesty's Court of Exchequer in Ireland, setting forth the nature of the claim or title of the petitioner or petitioners; and thereupon the said barons of his Majesty's Court of Exchequer shall and they are hereby authorized to proceed to call the proper parties before them, and to hear and determine the matter of the said petition, and to give such costs and to make such order and orders therein as they shall deem just.

If Treasury refuse, application may be made to the Exchequer.

XVI. PROVIDED also, and be it further enacted, that nothing herein contained shall extend or be prejudicial to the rights, privileges, and remedies of any bodies corporate or politic, or of any lord of any manor, liberty, or franchise whatsoever, or of any person or persons claiming title under and by virtue of any grant from the crown; any thing herein contained to the contrary notwithstanding.

Saving of rights by grant from the crown.

XVII. PROVIDED always, and be it further enacted, that nothing herein contained shall extend to prejudice or affect the power, jurisdiction, or authority of the lord chief baron and the other barons of his Majesty's Court of Exchequer in Ireland, as to the said fines, issues, amerciaments, penalties, forfeitures, recognizances, and estreats, or any process or proceedings thereon.

Saving of jurisdiction of barons of the Exchequer.

XVIII. AND be it further enacted, that the following offices of the said Court of Exchequer in Ireland shall from and after the commencement of this Act be and the same are hereby abolished; (that is to say,) the offices of the comptroller of the pipe, clerk of the pipe, summonister and clerk of the estreats, and transcripitor and foreign apposer, and the officer of secondary in the office of lord treasurer's remembrancer. [Rep., Stat. Law Rev. Act, 1874.]

Offices to be abolished.

XIX. AND whereas the office of second or lord treasurer's remembrancer of the said court is at present held by Sir Hugh Stewart baronet and Mervyn Stewart esquire, and the duties thereof are performed by deputy; and it is expedient that the duties of the said office should in future be performed in person: Be it therefore enacted, that the grant of the office of second or lord treasurer's remembrancer made to the said Sir Hugh Stewart baronet and Mervyn Stewart esquire shall from and after the commencement of this Act cease and determine; and that the person to whom the said office shall henceforth be granted shall perform the duties thereof in person, and be a barrister at law of ten years standing at the least, who shall have practised as such in his Majesty's court at Dublin or Westminster, and such person shall hold his office during good behaviour. [Rep., Stat. Law Rev. Act, 1874.]

Duties of second remembrancer in future to be performed in person, and present grant to cease.

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XXII. AND be it further enacted, that the several records, books, and other public documents of and concerning the duties and business of the said offices so abolished as aforesaid, and also of and concerning the said office of second remembrancer of the said

Records heretofore kept in abolished offices, &c. to be



delivered to the  
chief remem-  
brancer.

court, shall, upon or immediately after the commencement of this Act, be delivered by the several officers or persons having custody of the same into the hands and care of the said chief remembrancer, to be by him preserved and kept, subject nevertheless to such rules, orders, and regulations as the chief remembrancer, by and with the approbation of the lord chief baron and the other barons of the said Court of Exchequer, and the lord high treasurer or any three of the commissioners of his Majesty's Treasury, shall or may from time to time ordain or make touching the same. [Rep., Stat. Law Rev. Act, 1874.]

Proceedings  
heretofore had  
in abolished  
offices to be  
had in chief  
remem-  
brancer's office.

XXIII. AND be it further enacted, that from and after the commencement of this Act all process and other proceedings, estreats, taxation of costs, matters, and things, usually issued, had, done, received, filed, recorded, returnable to or taken by the officers whose offices are hereby abolished, or any of them, or by the said chief or second remembrancer, which shall from thenceforth be by law required, or needful to be issued, done, had, received, filed, recorded, or taken, shall be issued, done, had, received, filed, recorded, returnable to, and taken by the said chief remembrancer, or by the second remembrancer, by and under his direction, as fully and effectually, to all intents, constructions, or purposes, as the same might or could have been issued, done, had, or taken by the said officers, or the said chief or second remembrancer, before the passing of this Act, subject nevertheless to all such rules, orders, and regulations as shall or may be made from time to time for regulating or discontinuing the same by the said chief remembrancer, with the approbation of the lord chief baron and the other barons of the court, and which he is hereby authorized to make and ordain accordingly; and all returns which now should be made of fines and estreats to any of such abolished offices shall be made to the office of such chief remembrancer in future.

Copies and  
extracts from  
records, &c. in  
chief remem-  
brancer's office.

XXIV. AND be it further enacted, that searches may be made, and copies or extracts of and from all records, books, and documents in or which shall hereafter be in the office of the chief remembrancer, shall and may be had and taken, at such times and in such manner as the said chief remembrancer shall, by and with the approbation of the said lord chief baron and the other barons of the said court, direct; and all such copies or extracts, signed and authenticated by such chief remembrancer, or such person or persons as shall or may be appointed by the said remembrancer for that purpose, shall be available in evidence, and as valid and effectual to all intents and purposes, as the same would by law have been if the same had been signed, authenticated, and given before the passing of this Act by the officer having the custody thereof.

Grants in cus-  
todiam for  
debts to the  
crown to be  
made on appli-  
cation of com-  
missioners of  
the Treasury,  
unless cause  
shown to the  
contrary.

XXV. AND be it enacted, that it shall be lawful for the secondary of the said chief remembrancer, upon application to him on behalf of the lord high treasurer or the commissioners of his Majesty's Treasury in the matter of any debtor to his Majesty whose debt shall be a debt of record in the said court, and on the certificate of the attorney or solicitor general for Ireland that such debt is over due to the crown, to enter a rule in such matter that a custodiam be made to such person as shall be named on behalf of the said lord high treasurer or commissioners, in trust for his Majesty, of the lands, tenements, and hereditaments of such debtor, to hold to such trustee until such debt be discharged, unless cause to the contrary be shown to the said chief remembrancer at such time as shall be appointed by such rule for that purpose; and upon proof that a copy of such rule hath been served upon the debtor, or left at his last place of residence, or that he hath absconded, or that his

last place of residence cannot be discovered, and that such rule or order has been served in such manner as the said chief remembrancer may have directed, it shall be lawful for the said chief remembrancer, at the time appointed by the said rule for that purpose, to make the same absolute, or to allow any cause shown against the same, in the whole or in part, or to make such further order in the matter as he shall deem just, and to confine the grant in custodiam to so much of the lands, tenements, or hereditaments of the debtor as may be sufficient for securing a due and prompt payment of the debt; and he shall by every such order direct that the custodee shall come in and account before him at such time or times as he shall in every such order direct; and every grant in custodiam shall be made out by his said secondary, and shall be signed and enrolled by him, and for which he shall receive a fee of one pound.

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XXXI. AND be it enacted, that from and after the commencement of this Act no grant in custodiam for recovery of any debt or demand shall be made, save in trust for his Majesty, and for a debt due to the crown, and certified to be so by the attorney or solicitor general for Ireland; and it shall be lawful for any person entitled to sue out or who has already sued out a writ of elegit upon any judgment recovered in any of his Majesty's courts at Dublin, or to issue or who has issued execution in any suit or proceeding on any recognizance there, to apply by petition to the Court of Chancery or to the Court of Exchequer at the equity side thereof for an order that a receiver may be appointed of the rents and profits of the entire and not of a moiety only of all lands, tenements, or hereditaments which he would be entitled to have extended or appraised under a writ of elegit, or extended, seized, or taken under a writ of levam facias, or other proceeding, on such recognizance, or to have a receiver thereof appointed by that court extended to that matter; and it shall be lawful for the court to appoint or extend a receiver accordingly over the whole thereof, or over so much thereof as shall appear to it sufficient for the purposes of paying the sum due on such judgment or recognizance [Rep., Stat. Law Rev. Act, 1874.] ; . . . . .

Grants in custodiam to be made only in trust for his Majesty and for crown debts.

Receiver may be appointed on judgment or recognizance, over the whole or so much of the debtor's lands as the court shall direct.

XXXII. AND be it enacted, that every receiver so to be appointed as aforesaid shall apply all sums which he shall receive as such according to such order or orders as the court shall make for that purpose; and that it shall be lawful for the court to extend the receiver from the matter of the petition of one creditor to the matter of the petition of any other or others, and to order the rents and profits to be applied according to the priority of each, as ascertained by the date of the entry of the judgment or enrolment of the recognizance; and that no proceeding in the matter of any petition under this Act shall determine by the death of any of the parties in such matter, but the court in which such petition may have been filed shall and may, on a motion for that purpose made by or on behalf of any person interested in such proceeding, and on its appearing that any of such parties has died, make an order for continuing such proceedings for and in the name of or against the real or personal representative or representatives, or the assignee or assignees of such deceased party, or the person or persons in whom the interest of the deceased party has become vested, or who claim the same, unless good cause shall be shown to the contrary within some time to be specified in such order, and give such direction for the service of such order on the parties named therein as to the court shall seem meet, and shall and may make the same absolute, or discharge or vary such order, on its appearing that such order

Receiver to apply rents as court shall direct.

Proceedings on petitions for appointment of receiver.

was duly served, and on hearing what may be offered on behalf of the person so served.

Orders shall direct tenants to pay rents to receiver.

Security to be given by receiver.

XXXIII. AND be it enacted, that in every order made for the appointment of a receiver as aforesaid the tenants shall be required to pay him all rents due or which shall become due by them for or in respect of the lands mentioned in such order; and every such order shall require the receiver to enter into security, by himself and two sureties, to such amount as shall be therein specified, and such further security as the court shall from time to time direct for the due performance of his duties; and every such security shall be given by recognizance, and such recognizance may be acknowledged either before the court or any judge or master thereof, or any master extraordinary or commissioner authorized to take affidavits or to take special bail therein, and shall be enrolled in such court; and such order shall not be served on the tenants, nor shall such receiver receive any of the rents until such recognizance shall be enrolled; and the recognizance of the receiver and his sureties shall not be discharged or affected in consequence of such receiver being extended to any other matter.

Receiver to account.

XXXIV. AND be it enacted, that every receiver to be appointed as aforesaid shall account once in every year, and as often as the court shall direct; and the court in which he is appointed or acting shall exercise all power, authority, and jurisdiction over him, and in the matter in which he shall be appointed, which it might exercise if he were appointed in a cause pending there.

Persons neglecting to call receiver to account to be chargeable with the loss.

XXXV. AND be it enacted, that if any receiver shall neglect to account as aforesaid, and the person for whose benefit he shall have been appointed or continued shall neglect to take the necessary proceedings for compelling him so to do, every such person shall be chargeable with any loss which may be sustained by any default or neglect of such receiver: Provided always, that it shall not only be lawful for the party at whose suit he shall have been appointed, but also for any other party interested in the matter, to apply to the court that he may be compelled to account.

Judgment to be satisfied and receiver discharged when debt is paid.

XXXVI. AND be it enacted, that so soon as the debt due on foot of any judgment or recognizance shall have been paid off as aforesaid, or as it shall appear to the court that it might have been paid off if it were not for the default or neglect of the person entitled thereto, it shall be lawful for the court to direct satisfaction to be entered thereon, or that it shall be assigned as the court shall direct, and thereupon, or so soon as every judgment or recognizance for recovering which the receiver shall have been extended shall be satisfied, he shall be discharged.

Priorities between creditors to be determined without reference to any inquisition, &c.

XXXVII. AND be it enacted, that in determining the priority of the demands of creditors the court in which any question respecting such priority shall arise shall not give to the demand of any creditor priority over the demand of another in consequence of his having obtained an inquisition on an outlawry or other proceeding taken by him, but shall determine such priority as if no such inquisition was had; and every creditor who shall obtain an order for the appointment of a receiver under the provisions of this Act shall be considered to be a creditor who has issued and executed an execution on his judgment or recognizance from the date of such order, and so as not to

be affected by the bankruptcy of his debtor, further or otherwise than he would be if his debtor became bankrupt after execution executed.

XXXVIII. AND be it enacted, that in case any sum shall be received by any such receiver before an order shall be made to extend him to the matter of another petition, the money so received by him shall be distributed and paid, under the orders of the court, as it would have been if such further order extending him had not been made, but in distributing the funds thereafter to be received the court shall have regard to the rights of the person or persons at whose instance the order extending the receiver was made; and the court shall have power, if it shall think fit, to direct in any case that the costs incurred by the person at whose instance the receiver was first appointed in procuring such appointment be paid out of the funds collected by the receiver, without regard to the priority of the person on whose application such receiver was appointed.

Monies received by receivers to be applied under the orders of the court, &c.

XXXIX. AND whereas it is expedient to alter and amend an Act passed in the second and third years of the reign of his present Majesty, intituled "An Act for transferring the powers and duties of the commissioners of public accounts in Ireland to the commissioners for auditing the public accounts of Great Britain": Be it therefore enacted, that it shall be lawful for the lord high treasurer or any three or more of the commissioners of his Majesty's Treasury, and he and they are hereby authorized, in all cases in which he or they shall think fit, to refer it to the said chief remembrancer of the Court of Exchequer in Ireland to inquire into the matter of any account or into any question arising upon any account of any person, body corporate, or board intrusted with the care or application of any public money in Ireland, and to report to the said lord high treasurer or the commissioners of his Majesty's Treasury his opinion thereupon; and the said remembrancer is hereby required to inquire and report accordingly.

2 & 3 Will. 4. c. 99.

Treasury may refer public accounts to chief remembrancer.

XL. AND be it enacted, that it shall be lawful for the said chief remembrancer in proceeding such reference as aforesaid, or upon any of the matters herein-before mentioned, to examine all such parties and persons as he shall deem proper upon oath, and to take evidence vivâ voce, or by affidavit, or upon written interrogatories, to be exhibited by his examiner or any commissioner to be by him appointed for that purpose, and to issue process to compel the attendance and examination of parties and witnesses, and the production of books, papers, or writings, before him, or such commissioner or examiner as aforesaid, and to that end to exercise all powers vested for such purposes in the said court.

Chief remembrancer may take evidence vivâ voce or by affidavit, &c.

XLI. AND be it enacted, that every order made by the said chief remembrancer in proceeding upon any of the matters aforesaid shall be entered by his secondary, and shall be deemed and taken to be an order of the said court, and shall be executed as such: Provided always, that every such order may be reversed, varied, or altered by the chief baron and the other barons of the said court, upon motion or petition, provided that such motion or petition be made or presented within the term ensuing the time at which the party complaining shall have notice of the order complained of, and otherwise that such order shall be final and conclusive.

Order of chief remembrancer to be order of the court, but may be reversed, varied, or altered by the barons.

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## SCHEDULES to which this Act refers.

## FIRST SCHEDULE.

By the LORD LIEUTENANT GENERAL and GENERAL GOVERNOR  
of IRELAND.

To A.B. of , &c.

WHEREAS we have been pleased to nominate and appoint you for and to be sheriff of the county of during his Majesty's pleasure: These are therefore to require you to take the custody and charge of the said county, and duly to perform the duties of sheriff thereof during his Majesty's pleasure, and whereof you are duly to answer according to law.

Dated this day of one thousand eight hundred and

By his excellency's command,  
C.D.

[When the appointment shall be by any other or others than the lord lieutenant the form shall be altered accordingly.]

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## CHAPTER LVII.

AN ACT to extend to Scotland certain Provisions of an Act of the Ninth Year of His late Majesty, to consolidate and amend the Laws relating to Savings Banks; and to consolidate and amend the Laws relating to Savings Banks in Scotland. [9th September 1835.]

WHEREAS it is expedient to repeal the law relative to savings banks in Scotland, and to make other provisions respecting savings banks in Scotland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all the clauses and provisions of a certain Act made and passed in the ninth year of the reign of his late Majesty, intituled "An Act to consolidate and amend the laws relating to savings banks," and also of a certain other Act made and passed in the third year of the reign of his present Majesty, intituled "An Act to enable depositors in savings banks and others to purchase government annuities through the medium of savings banks, and to amend an Act of the ninth year of his late Majesty, to consolidate and amend the laws relating to savings banks," shall from and after the passing of this Act extend to Scotland.

Provisions of  
9 Geo. 4. c. 92.  
and 3 & 4 Will. 4.  
c. 14. extended  
to Scotland.

\* \* \* \* \*

[\* Rep., 26 & 27 Vict. c. 87. s. 1., with a proviso in section 68 that that Act shall not be held to repeal any of the existing statutes relating to savings banks in so far as relates to post office savings banks established or to be established under 24 & 25 Vict. c. 14., nor to repeal any of the powers and authorities vested by those Acts in the commissioners for the reduction of the national debt in regard to the control, management, investment, conversion, and regulation of the funds remitted by the trustees of savings banks or by the trustees of friendly societies to the said commissioners.]

IV. AND be it enacted, that where the said recited Act or Acts provide for payments made to any of the relations of any deceased intestate depositor according to the Statute of Distributions, the provisions thereof shall be held to apply to payments made to persons appearing to be next of kin according to the law of Scotland; and that where the said recited Act or Acts refer to probate of the will of the deceased, or letters of administration of his or her estate and effects, and provide that they shall or shall not be received in the cases therein provided, the said provisions in the said recited Act or Acts shall be held to apply to confirmation by the law of Scotland, and the same shall be required or dispensed with as therein provided.

Application of  
the law of Scot-  
land in parti-  
cular cases.

\* \* \* \* \*

## CHAPTER LVIII.

AN ACT to amend the Acts relating to the Hereditary Land Revenues of the Crown in Scotland. [9th September 1835.]

**W**HEREAS an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act to extend the provisions of 6 Geo. 4. c. 17.  
" an Act of the fifty-ninth year of his late Majesty, concerning the disposition  
" of certain real and personal property of his Majesty, his heirs and successors":  
And whereas an Act passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate and amend the 10 Geo. 4. c. 50.  
" laws relating to the management and improvement of his Majesty's woods,  
" forests, parks, and chases, of the land revenue of the crown within the  
" survey of the Exchequer in England, and of the land revenue of the crown  
" in Ireland, and for extending certain provisions relating to the same to the  
" isles of Man and Alderney": And whereas an Act passed in the second year of the reign of his present Majesty, intituled "An Act for uniting the office of 2 & 3 Will. 4.  
" the surveyor general of his Majesty's works and public buildings with the c. 1.  
" office of the commissioners of his Majesty's woods, forests, and land revenues,  
" and for other purposes relating to the land revenues": And whereas an Act passed in the second and third years of the reign of his present Majesty, 2 & 3 Will. 4.  
intituled "An Act to authorize the hereditary land revenues of the crown in c. 112.  
" Scotland being placed under the management of the commissioners of the  
" land revenues": And whereas an Act passed in the third and fourth year of his present Majesty, intituled "An Act to extend and enlarge the powers 3 & 4 Will. 4.  
" of the commissioners of his Majesty's woods, forests, land revenues, works, c. 69.  
" and buildings, in relation to the management and disposition of the land  
" revenue of the crown in Scotland": And whereas doubts have arisen, in consequence of the said Acts, as to the powers and authorities of the commissioners of his Majesty's Treasury in relation to the recovery, management, superintendence, and disposition of the interests of his Majesty, his heirs and successors, in right of his crown, as ultimus hæres, and in cases of bastardy, in Scotland; and it is expedient that such doubts should be removed: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all powers and authorities for the ascertaining and recovering, and for the

Powers as to  
rights of crown  
in Scotland as

ultimus hæres,  
&c. vested in  
the Treasury.

management, superintendence, and care of all rights and interests of his Majesty, his heirs and successors, in right of his crown, in Scotland, as ultimus hæres, or in cases of bastardy, or by reason of any forfeiture whatsoever, shall be and are hereby declared to be vested in the lord high treasurer or the commissioners of his Majesty's Treasury, or any three or more of them, for the time being in the same manner and to the same extent as such powers and authorities were vested in the lord high treasurer or the commissioners of the Treasury for the time being prior to the passing of any of the said recited Acts; any thing in the said Acts or either of them to the contrary notwithstanding.

\* \* \* \* \*

His Majesty  
may grant sites  
for churches,  
&c. out of land  
revenues in  
Scotland.

III. AND whereas the said last-recited Act does not enable his Majesty to grant any land or building, part of the possessions and land revenues of the crown in Scotland, for the purposes specified in the said recited Act of the tenth year of the reign of his late Majesty King George the Fourth with respect to the possessions and land revenues of the crown to which that Act relates; and it is desirable that his Majesty, his heirs and successors, should be at liberty to grant any lands or hereditaments, part of the possessions and land revenues of the crown in Scotland, for any of the purposes herein mentioned, whenever he or they shall be graciously pleased so to do: Be it therefore enacted, that the King's Majesty, his heirs and successors, shall at any time hereafter have full power and authority, out of the possessions and land revenues of the crown in Scotland, to give and grant to and vest in any body politic or corporate, or any person or persons whomsoever, and their heirs and successors respectively, for such estate or interest therein as to his Majesty, his heirs and successors, shall seem meet, any building proper to be used as or converted into, or any ground proper for the site of, any church or chapel, with or without a cemetery or burial ground thereto, or any ground proper for a cemetery or burial ground to any church or chapel, and any house with its appurtenances, and with or without a garden thereto, proper for the residence of the spiritual person who may serve such church or chapel, or any ground proper for the site or sites of any such residence, or of any parochial or district school, with or without a garden thereto, any thing in the said Act of the third and fourth years of the reign of his present Majesty, or any other law or statute, to the contrary in anywise notwithstanding; and such body or bodies politic or corporate, or person or persons, and their heirs, successors, executors, or administrators, shall have full capacity and ability to take, hold, and enjoy the same; and whenever it shall be the pleasure of his Majesty, his heirs or successors, to make a grant for any of the purposes aforesaid, it shall be lawful for the lord high treasurer, or the commissioners of his Majesty's Treasury for the time being, or any three or more of them, to issue a warrant under his or their hand or hands to any such body or bodies politic or corporate or person or persons as aforesaid, which warrant shall be exempt from any stamp duty whatsoever: Provided always, that nothing in this Act contained shall extend or be construed to extend to enable his Majesty, his heirs or successors, to grant more than five statute acres in any one grant for any of the purposes aforesaid, or to grant any premises in any one instance which shall exceed in value the sum of one thousand pounds; and that all such grants shall be carried into effect by charters and other instruments, according to the law and practice of Scotland, and not otherwise.

Limitation of  
grants.

IV. AND be it further enacted, that a minute or docket of every such grant or warrant shall be entered and preserved by the commissioners of his Majesty's woods, forests, land revenues, works, and buildings, in their office.

Minutes of grants to be entered.

V. PROVIDED always, and be it further enacted, that the commissioners of his Majesty's woods, forests, land revenues, works, and buildings for the time being shall, in every report which shall be made by them to the King's most excellent Majesty and to both Houses of Parliament touching or concerning the land revenue of the crown, from and after the passing of this Act, certify and report every grant which shall have been made under and by virtue of the provisions of this Act since the time of the making their last preceding report, and to whom and for what purpose the same shall have been made, and what land or ground shall be comprised therein, and all other particulars relating thereto.

Commissioners of woods, in their reports, shall certify all grants made under this Act.

## CHAPTER LXII.

AN ACT to repeal an Act of the present Session of Parliament, intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits"; and to make other Provisions for the Abolition of unnecessary Oaths. [9th September 1835.]

WHEREAS an Act was passed in the present session of Parliament, intituled "An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits": . . . . . And whereas it is expedient to amend the said Act, and to make some further provisions for the better effecting the object thereof, and to consolidate all the provisions relating thereto into one Act: . . . . .

5 & 6 Will. 4. c. 8.

II. AND be it further enacted, that in any case where by any Act or Acts made or to be made relating to the revenues of customs or excise, the post office, the office of stamps and taxes, the office of woods and forests, land revenues, works, and buildings, the war office, the army pay office, the office of the treasurer of the navy, the accountant general of the navy, or the ordnance, his Majesty's Treasury, Chelsea Hospital, Greenwich Hospital, the Board of Trade, or any of the offices of his Majesty's principal secretaries of state, the India board, the office for auditing the public accounts, the national debt office, or any office under the control, direction, or superintendence of the lords commissioners of his Majesty's Treasury, or by any official regulation in any department, any oath, solemn affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made by any person on the doing of any act, matter, or thing, or for the purpose of verifying any book, entry, or return, or for any other purpose whatsoever, it shall be lawful for the lords commissioners of his Majesty's Treasury, or any three of them, if they shall so think fit, by writing under their hands and seals, to substitute a declaration to the same effect as the oath, solemn affirmation, or affidavit, which might but for the passing of this Act be required to be taken

Treasury may substitute a declaration in lieu of an oath, &c. in certain cases.



or made; and the person who might under the Act or Acts imposing the same be required to take or make such oath, solemn affirmation, or affidavit, shall, in presence of the commissioners, collector, other officer or person empowered by such Act or Acts to administer such oath, solemn affirmation, or affidavit, make and subscribe such declaration; and every such commissioner, collector, other officer or person, is hereby empowered and required to administer the same accordingly.

Copy of instrument substituting declaration shall be published in the gazette; and after 21 days from the date thereof the provisions of this Act shall apply;

III. AND be it enacted, that when the said lords commissioners of his Majesty's Treasury or any three of them shall, in any such case as herein-before mentioned, have substituted in writing under their hands and seals a declaration in lieu of an oath, solemn affirmation, or affidavit, such lords commissioners shall, so soon as conveniently may be, cause a copy of the instrument substituting such declaration to be inserted and published in the London Gazette; and from and after the expiration of twenty-one days next following the day of the date of the gazette, wherein the copy of such instrument shall have been published, the provisions of this Act shall extend and apply to each and every case specified in such instrument, as well and in the same manner as if the same were specified and named in this Act.

and no oath shall be administered for which such declaration has been substituted.

IV. AND be it enacted, that after the expiration of the said twenty-one days it shall not be lawful for any commissioner, collector, officer, or other person to administer or cause to be administered, or receive or cause to be received, any oath, solemn affirmation, or affidavit, in the lieu of which such declaration as aforesaid shall have been directed by the lords commissioners of his Majesty's Treasury to be substituted.

Making false declaration in matters relating to certain revenues a misdemeanor.

V. AND be it enacted, that if any person shall make and subscribe any such declaration as herein-before mentioned in lieu of any oath, solemn affirmation, or affidavit by any Act or Acts relating to the revenues of customs or excise, stamps and taxes, or post office, required to be made on the doing of any act, matter, or thing, or for verifying any book, account, entry, or return, or for any purpose whatsoever, and shall wilfully make therein any false statements as to any material particular, the person making the same shall be deemed guilty of a misdemeanor.

Oath of allegiance still to be required in all cases.

VI. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend or apply to the oath of allegiance in any case in which the same now is or may be required to be taken by any person who may be appointed to any office; but that such oath of allegiance shall continue to be required, and shall be administered and taken, as well and in the same manner as if this Act had not been passed.

Oaths in courts of justice, &c. still to be taken.

VII. PROVIDED also, and be it enacted, that nothing in this Act contained shall extend or apply to any oath, solemn affirmation, or affidavit, which now is or hereafter may be made or taken, or be required to be made or taken, in any judicial proceeding in any court of justice, or in any proceeding for or by way of summary conviction before any justice or justices of the peace; but all such oaths, affirmations, and affidavits shall continue to be required, and to be administered, taken, and made, as well and in the same manner as if this Act had not been passed.

Universities of Oxford and Cambridge and other bodies

VIII. AND be it enacted that it shall be lawful for the universities of Oxford and Cambridge, and for all other bodies corporate and politic, and for all bodies now by law or statute or by any valid usage authorized to admi-

nister or receive any oath, solemn affirmation, or affidavit, to make statutes, byelaws, or orders authorizing and directing the substitution of a declaration in lieu of any oath, solemn affirmation, or affidavit now required to be taken or made: Provided always, that such statutes, byelaws, or orders be otherwise duly made and passed according to the charter, laws, or regulations of the particular university, other body corporate and politic, or other body so authorized as aforesaid.

may substitute  
declarations for  
oaths.

IX. AND whereas persons serving the offices of churchwarden and sidesman are at present required to take an oath of office before entering upon the execution thereof, and also an oath on quitting such office, and it is expedient that a declaration shall be substituted for such oath of office, and that the oath on quitting the same shall be abolished: Be it enacted, that in future every person entering upon the office of churchwarden or sidesman, before beginning to discharge the duties thereof, shall, in lieu of such oath of office, make and subscribe, in the presence of the ordinary or other person before whom he would, but for the passing of this Act, be required to take such oath, a declaration that he will faithfully and diligently perform the duties of his office, and such ordinary or other person is hereby empowered and required to administer the same accordingly: Provided always, that no churchwarden or sidesman shall in future be required to take any oath on quitting office as has heretofore been practised.

Church-  
warden's and  
sidesman's oath  
abolished, and  
a declaration  
substituted.

X. AND be it enacted, that in any case where, under any Act or Acts for making, maintaining, or regulating any highway, or any road, or any turnpike road, or for paving, lighting, watching, or improving any city, town, or place, or touching any trust relating thereto, any oath, solemn affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made by any person whomsoever, no such oath, solemn affirmation, or affidavit shall in future be required to be or be taken or made, but the person who might under the Act or Acts imposing the same be required to take or make such oath, solemn affirmation, or affidavit shall, in lieu thereof, in the presence of the trustee, commissioner, or other person before whom he might under such Act or Acts be required to take or make the same, make and subscribe a declaration to the same effect as such oath, solemn affirmation, or affidavit; and such trustee, commissioner, or other person is hereby empowered and required to administer and receive the same.

Declarations  
substituted for  
oaths and affi-  
davits by per-  
sons acting in  
turnpike trusts.

XI. AND be it enacted, that whenever any person or persons shall seek to obtain any patent under the great seal for any discovery or invention, such person or persons shall, in lieu of any oath, affirmation, or affidavit which heretofore has or might be required to be taken or made upon or before obtaining any such patent, make and subscribe, in the presence of the person before whom he might, but for the passing of this Act, be required to take or make such oath, affirmation, or affidavit, a declaration to the same effect as such oath, affirmation, or affidavit; and such declaration, when duly made and subscribed, shall be to all intents and purposes as valid and effectual as the oath, affirmation, or affidavit, in lieu whereof it shall have been so made and subscribed.

Declarations  
substituted for  
oaths and affi-  
davits hereto-  
fore required on  
taking out a  
patent.

XII. AND be it enacted, that where by any Act or Acts at the time in force for regulating the business of pawnbrokers any oath, affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made, the

Declarations  
substituted for  
oaths and affi-  
davits required

by Acts as to  
pawnbrokers.

Penalties as to  
such oaths, &c.  
to apply to  
declarations.

Justices, &c.  
not to adminis-  
ter oaths, &c.  
touching mat-  
ters whereof  
they have no  
jurisdiction by  
statute.

Proviso as to  
certain oaths.

Declarations  
substituted for  
oaths and affi-  
davits required  
by Bank of  
England on the  
transfer of  
stock.

Declarations  
substituted for  
oaths and affi-  
davits required  
by 5 Geo. 2.  
c. 7. and  
54 Geo. 8. c. 15.

person who by or under such Act or Acts might be required to take or make such oath, affirmation, or affidavit, shall in lieu thereof make and subscribe a declaration to the same effect; and such declaration shall be made and subscribed at the same time, and on the same occasion, and in the presence of the same person or persons, as the oath, affirmation, or affidavit, in lieu whereof it shall be made and subscribed, would by the Act or Acts directing or requiring the same be directed or required to be taken or made; and all and every the enactments, provisions, and penalties contained in or imposed by any such Act or Acts, as to any oath, affirmation, or affidavit thereby directed or required to be taken or made, shall extend and apply to any declaration in lieu thereof, as well and in the same manner as if the same were herein expressly enacted with reference thereto.

XIII. AND whereas a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of any judicial inquiry, nor in anywise pending or at issue before the justice of the peace or other person by whom such oaths or affidavits have been administered or received: And whereas doubts have arisen whether or not such proceeding is illegal: For the more effectual suppression of such practice and removing such doubts, be it enacted, that from and after the commencement of this Act it shall not be lawful for any justice of the peace or other person to administer or cause or allow to be administered, or to receive or cause or allow to be received, any oath, affidavit, or solemn affirmation touching any matter or thing whereof such justice or other person hath not jurisdiction or cognizance by some statute in force at the time being: Provided always, that nothing herein contained shall be construed to extend to any oath, affidavit, or solemn affirmation before any justice in any matter or thing touching the preservation of the peace, or the prosecution, trial, or punishment of offences, or touching any proceedings before either of the Houses of Parliament or any committee thereof respectively, nor to any oath, affidavit, or affirmation which may be required by the laws of any foreign country to give validity to instruments in writing designed to be used in such foreign countries respectively.

XIV. AND be it further enacted, that in any case in which it has been the usual practice of the Bank of England to receive affidavits on oath to prove the death of any proprietor of any stocks or funds transferable there, or to identify the person of any such proprietor, or to remove any other impediment to the transfer of any such stocks or funds, or relating to the loss, mutilation, or defacement of any bank note or bank post bill, no such oath or affidavit shall in future be required to be taken or made, but in lieu thereof the person who might have been required to take or make such oath or affidavit shall make and subscribe a declaration to the same effect as such oath or affidavit.

[XV.] AND whereas an Act was passed in the fifth year of the reign of his late Majesty King George the Second, intituled "An Act for the more easy recovery of debts in his Majesty's plantations and colonies in America": And whereas another Act was passed in the fifty-fourth year of the reign of

[<sup>a</sup> Section 15 is rep., so far as it applies to her Majesty's colony of Victoria, 22 & 23 Vict. c. 12. s. 1.]

his late Majesty King George the Third, intituled "An Act for the more easy recovery of debts in his Majesty's colony of New South Wales": And whereas it is expedient that in future a declaration should be substituted in lieu of the affidavit on oath authorized and required by the said recited Acts: Be it therefore enacted, that from and after the commencement of this Act, in any action or suit then depending or thereafter to be brought or intended to be brought in any court of law or equity within any of the territories, plantations, colonies, or dependencies abroad, being within and part of his Majesty's dominions, for or relating to any debt or account, wherein any person residing in Great Britain and Ireland shall be a party, or for or relating to any lands, tenements, or hereditaments or other property situate, lying, and being in the said places respectively, it shall and may be lawful to and for the plaintiff or defendant, and also to and for any witness to be examined or made use of in such action or suit, to verify or prove any matter or thing relating thereto by solemn declaration or declarations in writing in the form in the schedule hereunto annexed, made before any justice of the peace, notary public, or other officer now by law authorized to administer an oath, and certified and transmitted under the signature and seal of any such justice, notary public duly admitted and practising, or other officer; which declaration, and every declaration relative to such matter or thing as aforesaid, in any foreign kingdom or state, or to the voyage of any ship or vessel, every such justice of the peace, notary public, or other officer shall be and he is hereby authorized and empowered to administer or receive; and every declaration so made, certified, and transmitted, shall in all such actions and suits be allowed to be of the same force and effect, as if the person or persons making the same had appeared and sworn or affirmed the matters contained in such declaration *vivâ voce* in open court, or upon a commission issued for the examination of witnesses or of any party in such action or suit respectively; provided that in every such declaration there shall be expressed the addition of the party making such declaration and the particular place of his or her abode.

XVI. AND be it further enacted, that it shall and may be lawful to and for any attesting witness to the execution of any will or codicil, deed or instrument in writing, and to and for any other competent person, to verify and prove the signing, sealing, publication, or delivery of any such will, codicil, deed, or instrument in writing, by such declaration in writing made as aforesaid; and every such justice, notary, or other officer shall be and is hereby authorized and empowered to administer or receive such declaration.

Declaration in writing sufficient to prove execution of any will, codicil, &c.

[XVII.] AND be it further enacted, that in all suits now depending or hereafter to be brought in any court of law or equity by or in behalf of his Majesty, his heirs and successors, in any of his said Majesty's territories, plantations, colonies, possessions, or dependencies, for or relating to any debt or account, that his Majesty, his heirs and successors, shall and may prove his and their debts and accounts and examine his or their witness or witnesses

Crown debts in suits on behalf of his Majesty to be proved by declaration.

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[\* Section 17 is rep., so far as it applies to her Majesty's colony of Victoria, 22 & 23 Vict. c. 12. s. 1.]

by declaration, in like manner as any subject or subjects is or are empowered or may do by this present Act.

Voluntary  
declaration in  
the form in  
the schedule  
may be taken.  
Making false  
declaration a  
misdemeanor.

XVIII. AND whereas it may be necessary and proper in many cases not herein specified to require confirmation of written instruments or allegations, or proof of debts, or of the execution of deeds or other matters: Be it therefore further enacted, that it shall and may be lawful for any justice of the peace, notary public, or other officer now by law authorized to administer an oath, to take and receive the declaration of any person voluntarily making the same before him in the form in the schedule to this Act annexed; and if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanor.

Fees payable  
on oaths shall  
be paid on  
declarations  
substituted in  
lieu thereof.

XIX. AND be it enacted, that whenever any declaration shall be made and subscribed by any person or persons under or in pursuance of the provisions of this Act or any of them, all and every such fees or fee as would have been due and payable on the taking or making any legal oath, solemn affirmation, or affidavit shall be in like manner due and payable upon making and subscribing such declaration.

Declarations  
to be in the  
form prescribed  
in schedule.

XX. AND be it further enacted, that in all cases where a declaration in lieu of an oath shall have been substituted by this Act, or by virtue of any power or authority hereby given, or where a declaration is directed or authorized to be made and subscribed under the authority of this Act, or of any power hereby given, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the schedule hereunto annexed.

Persons making  
false declara-  
tion deemed  
guilty of a  
misdemeanor.

XXI. AND be it further enacted, that in any case where a declaration is substituted for an oath under the authority of this Act, or by virtue of any power or authority hereby given, or is directed and authorized to be made and subscribed under the authority of this Act, or by virtue of any power hereby given, any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

\* \* \* \* \*

#### SCHEDULE referred to by the foregoing Act.

I A.B. do solemnly and sincerely declare, that and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the year of the reign of his present Majesty, intituled "An Act" [here insert the title of this Act].

## CHAPTER LXIII.

AN ACT to repeal an Act of the Fourth and Fifth Year of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof. [9th September 1835.]

WHEREAS an Act was passed in the fourth and fifth years of the reign of his present Majesty, intituled "An Act to amend and render more effectual two Acts of the fifth and sixth years of the reign of his late Majesty King George the Fourth, relating to weights and measures": And whereas it is expedient to repeal the same, and to make other provisions instead thereof: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said Act shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

Recital of  
4 & 5 Will. 4.  
c. 49.

Recited Act  
repealed.

III. AND whereas an Act passed in the fifth year of the reign of his late Majesty King George the Fourth, intituled "An Act for ascertaining and establishing uniformity of weights and measures": And whereas another Act passed in the sixth year of the reign of his said late Majesty, intituled "An Act to prolong the time of the commencement of an Act of the last session of Parliament, for ascertaining and establishing uniformity of weights and measures, and to amend the said Act": And whereas, notwithstanding the provisions of the said recited Acts, many sets of weights and measures of old accustomed and different shapes have been made and verified and stamped by the chamberlains as well as by the auditor in the Exchequer, as models of the said new standards, and have been used as standard weights and measures under the said recited Acts, although different in shape and form from the standards prescribed by the said recited Act of the fifth year aforesaid; and it is therefore expedient that such standard weights and measures should be made legal, and that the comptroller general or some other officer of the Exchequer duly authorized should be empowered to compare and verify, and stamp as so compared and verified, standards of length, weight, or measure, although not exact models and copies in shape and form of the respective standards of length, weight, and measure deposited under the provisions of the said first-recited Acts in the office of the said chamberlains and auditor: And whereas it is expedient that the use of all weights and measures not in conformity with the weights and measures established by the said recited Acts should be prohibited, and that the use of the heaped measure should be abolished: Be it therefore enacted, that so much of the said last-mentioned recited Acts as require that all weights and measures shall be models and copies in shape or form of the standards deposited in the Exchequer, and also so much of the said recited Acts as allow the use of weights and measures not in conformity with the imperial standard weights and measures established by the said Acts, or allow goods or merchandise to be bought or sold by any weights or measures established by local custom or founded on special agreement, shall be and the same are hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

Recital of  
5 Geo. 4. c. 74.  
6 Geo. 4. c. 12.

Provisions of  
last recited  
Acts as to  
models and  
copies of stan-  
dard weights  
and measures  
repealed.

IV. AND be it enacted, that all weights and measures which have been so verified and stamped at the Exchequer at Westminster as copies of the standard weights and measures, corresponding in weight and capacity with those established by the said recited Acts, shall be deemed and taken to be legal weights and measures, to be used for comparison as copies of the imperial standard

Weights and  
measures  
stamped at the  
Exchequer de-  
clared legal,  
although not  
similar in shape

to those  
required by  
recited Acts.

Officer may  
verify and  
stamp weights  
and measures  
of other form  
than those  
prescribed by  
5 Geo. 4. c. 74.

Copies of  
the standard  
weights and  
measures which  
have been worn  
and mended  
shall be sent to  
the Exchequer  
to be re-  
verified.

Officer to keep  
a register of all  
verified copies.

Local and cus-  
tomary mea-  
sures abolished.

Not to prevent  
sale of articles  
in certain  
vessels.

Heaped mea-  
sure abolished.

Certain articles  
heretofore sold  
by heaped  
measure may  
be sold by the  
bushel.

weights and measures, although not similar in shape to those required under the provisions of the said recited Acts; and that the comptroller general, or some other officer of the Exchequer at Westminster duly authorized, may compare and verify, and stamp as so compared and verified, as correct standard measures of a yard, and as correct standard weights, and as correct standard measures of capacity, any weights and measures which shall correspond in length, weight, and capacity with the standards, or parts or multiples thereof respectively, deposited in the Exchequer under the said Act of the fifth year aforesaid, although such weights and measures may not be models or copies in shape or form of the standards so deposited as aforesaid, anything in the said recited Acts to the contrary notwithstanding.

V. AND be it enacted, that all copies of the imperial standard weights and measures which may have become defective, or have been mended in consequence of any wear or accident, shall forthwith be sent to the Exchequer at Westminster for the purpose of being again compared and verified, and shall be stamped as re-verified copies of the imperial standard weights and measures, provided that the comptroller general or other officer appointed for such verification shall deem them fit to be used for the purposes of standards; and every new comparison and verification shall be endorsed upon the original indenture of verification; . . . . . and the comptroller general or other officer at the Exchequer duly authorized shall keep an account or register of all copies of the imperial standard weights and measures that shall have been verified at the Exchequer.

VI. AND be it enacted, that from and after the passing of this Act the measure called the Winchester bushel, and the lineal measure called the Scotch ell, and all local or customary measures, shall be abolished; and every person who shall sell, by any denomination of measure other than one of the imperial measures, or some multiple or some aliquot part, such as half, the quarter, the eighth, the sixteenth, or the thirty-second parts thereof, shall, on conviction, be liable to a penalty not exceeding the sum of forty shillings for every such sale: Provided always, that nothing herein contained shall prevent the sale of any articles in any vessel, where such vessel is not represented as containing any amount of imperial measure, or of any fixed, local, or customary measure heretofore in use.

VII. AND whereas the heaped measure is liable to considerable variation: Be it therefore enacted, that from and after the passing of this Act so much of the said recited Acts as relate to the heaped measure shall be and are hereby repealed, and the use of the heaped measure shall be abolished, and all bargains, sales, and contracts which shall be made after the passing of this Act by the heaped measure shall be null and void; and every person who shall sell any articles by the heaped measure shall, on conviction, be liable to a penalty not exceeding forty shillings for every such sale.

VIII. AND whereas some articles heretofore sold by heaped measure are from their size and shape incapable of being stricken, and from their nature and quality may not be conveniently sold by weight: Be it therefore enacted, that all such articles may henceforth be sold by a bushel measure, corresponding in shape with the bushel prescribed in and by the said Act passed in the fifth year of the reign of his late Majesty for the sale of heaped measure, or by any multiple or by some aliquot part, such as the half, the quarter, or the eighth

part thereof, filled in all parts as nearly to the level of the brim as the size and shape of the articles sold will admit: Provided always, that nothing herein contained shall prevent the sale by weight of any article heretofore sold by heaped measure.

IX. AND whereas the sale of all coals, slack, culm, and cannel of every description by weight, and not by measure, would tend greatly to prevent the commission of frauds and impositions in the vend and delivery of such coals, slack, culm, and cannel of every description: Be it therefore enacted, that from and after the first day of January one thousand eight hundred and thirty-six all coals, slack, culm, and cannel of every description shall be sold by weight, and not by measure; and every person who shall from and after the first day of January one thousand eight hundred and thirty-six sell any coals, slack, culm, or cannel of every description by measure, and not by weight, shall, on conviction, be liable to a penalty not exceeding forty shillings for every such sale.

Coals to be sold  
by weight and  
not by measure.

X. AND be it enacted, that from and after the passing of this Act all articles sold by weight shall be sold by avoirdupois weight, except gold, silver, platina, diamonds, or other precious stones, which may be sold by troy weight, and drugs, which, when sold by retail, may be sold by apothecaries weight.

All articles to  
be sold by avoirdupois weight,  
except as  
herein stated.

XI. AND whereas by local customs in markets, towns, and other places throughout the United Kingdom the denomination of the stone weight varies: Be it therefore enacted, that from and after the passing of this Act the weight denominated a stone shall in all cases consist of fourteen standard pounds avoirdupois, and that the weight denominated an hundredweight shall consist of eight such stones, and that the weight denominated a ton shall consist of twenty such hundredweight: Provided always, that nothing herein contained shall prevent any bargain, sale, or contract being made by any multiple or by some aliquot part, such as the half, the quarter, the eighth, or the sixteenth part of the pound weight.

Definition of  
the stone  
weight, hun-  
dredweight,  
and ton.

XII. AND be it enacted, that all weights which shall be made after the passing of this Act of the weight of one pound avoirdupois or more shall have the number of pounds contained in every such weight stamped or cast on the top or side thereof in legible figures and letters; and that all measures of capacity which shall be made after the passing of this Act shall have their contents denominated, stamped, or marked on the outside of such measures in legible figures and letters.

Contents of  
weights and  
measures to be  
stamped on  
them.

XIII. AND whereas the use of weights made of soft materials affords facility to fraud: Be it therefore enacted, that from and after the first day of January one thousand eight hundred and thirty-six no weight made of lead or of pewter, or of any mixture thereof, shall be stamped or used: Provided always, that nothing herein contained shall prevent the use of lead or pewter, or of any mixture thereof, in the manufacture of weights, if they be wholly and substantially cased with brass, copper, or iron, and legibly stamped or marked "cased," or shall prevent the insertion of such a plug of lead or pewter into weights as shall be bonâ fide necessary for the purpose of adjusting them and of affixing thereon the stamp herein-after mentioned.

Weights made  
of lead or  
pewter not to  
be stamped or  
used, unless  
they be cased,  
&c.

XIV. AND for the purpose of ascertaining and providing for the fulfilment of all existing contracts, and fixing the payments to be made in consequence of such contracts or rents in England and Ireland payable in grain or malt, or



Mode of ascertaining certain rents and tolls, &c. payable in England and Ireland.

in any other commodity or thing, and in consequence of any toll, rate, or duty heretofore payable according to the weights and measures heretofore in use, where the same shall not have been already ascertained and fixed by agreement between parties, or under the provisions of the said Act of the fifth year of his late Majesty, be it enacted, that at the general or quarter sessions of the peace to be holden in every county, riding, or division, and in every city, town, or place (being a county of itself), in England or Ireland, next after the expiration of three months after the passing of this Act, or at any general or quarter sessions of the peace to be holden thereafter, on the application of any party to such sessions, an inquisition shall be taken before the justices assembled at such general or quarter sessions, by the oaths of twelve substantial freeholders of the said respective counties, cities, towns, or places, having lands or tenements to the value of one hundred pounds per annum or upwards, to be summoned by the sheriff or proper officers of every such county, city, town, or place, to inquire into and ascertain the amount, according to the standard of weight or measure by this Act established, of all contracts to be performed or rents to be paid in grain or malt or any other commodity or thing, or with reference to the measure or weight of any such grain, malt, or other commodity or thing, and the amount of any toll, rate, or duty heretofore payable according to any weights and measures heretofore in use within such counties, cities, towns, or places respectively; and in taking such inquisition care shall be taken that in every case in which grain, malt, or meal, or any other commodity or thing, having before the said first day of January one thousand eight hundred and thirty-five been sold by weight, shall henceforth be sold by measure, or, having before the said first day of January been sold by measure, shall henceforth be sold by weight, no increase or diminution be made in the amount of any rate, toll, or duty hereafter payable for such grain, malt, or any other commodity or thing, due regard being had to the substitution of measure for weight, or of weight for measure, as the case may be; and such inquisitions, when taken, shall be transmitted by the respective clerks of the peace of the same counties respectively, or by the mayor, bailiff, or other head officer of every such city, town, or place (being a county of itself), into his Majesty's Court of Exchequer at Westminster and Dublin respectively, and shall be there enrolled of record, and shall and may be given in evidence in any action or suit at law or in equity; and the amount so to be ascertained shall, when converted into the standard weights and measures, be the rule of payment in regard to all such contracts, rents, tolls, rates, or duties in all time coming; and the costs and charges of such inquisitions and the enrolments thereof shall be paid and defrayed by the party on whose application such requisition shall be taken.

Mode of ascertaining certain rents, tolls, &c.

XV. AND for the purpose of ascertaining and providing for the fulfilment of all existing contracts, and fixing the payments to be made of all stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever payable in grain, malt, or meal, or any other commodity or thing, in Scotland, or in any other place or district of the same, according to the weights and measures heretofore in use, when such payments shall not have been already ascertained and fixed by agreement between parties, or under the provisions of the said Act of the fifth year of his late Majesty, be it enacted, that the sheriff in each shire in Scotland shall, on the application of any party to such sheriff, as soon

as conveniently may be after the expiration of three calendar months from and after the passing of this Act, summon and impanel a jury, of the same number and of the same qualifications which are required in the jury who strike the *fiar* prices of grain within the same shire, to assemble at such place or places as he shall find convenient, which jury shall inquire into and ascertain the amount, according to the standards by this Act established, of all such stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever payable in grain, malt, meal, or any other commodity or thing, according to the weights and measures heretofore in use within the same shires; and in taking such inquisition care shall be taken that in every case in which grain, malt, or meal, or any other commodity or thing, having before the first day of January one thousand eight hundred and thirty-five been sold by weight, shall henceforth be sold by measure, or, having before the said first day of January been sold by measure, shall henceforth be sold by weight, no increase or diminution be made in the amount of any stipend, feu duty, rent, toll, custom, or casualty heretofore payable for such grain, malt, or any other commodity or thing, due regard being had to the substitution of measure for weight, or of weight for measure, as the case may be; and such inquisitions, when taken, shall be transmitted by the respective sheriff clerks of such shire into his Majesty's Court of Exchequer at Edinburgh, and shall there be enrolled of record, and shall and may be given in evidence in any action at law; and the amount so to be ascertained shall, when converted into the standard weights and measures, be the rule of payment in regard to all such stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever in all time coming; and the costs and charges of such inquisitions and the enrolment thereof shall be assessed and levied, paid and defrayed, by the party on whose application such inquisition shall have been taken.

payable in  
Scotland.

XVI. AND be it enacted, that in Scotland, from and after the passing of this Act, the *fiar* prices of all grain in every county shall be struck by the imperial quarter, and all other returns of the prices of grain shall be set forth by the same, without any reference to any other measure whatsoever; and that any sheriff clerk, clerk of a market, or other person, who shall offend against this provision, shall forfeit a sum not exceeding five pounds.

Regulation as  
to *fiar* prices,  
&c. of grain  
in Scotland.

XVII. AND be it enacted, that in England, at the general or quarter sessions of the peace next after the passing of this Act, the justices of the peace of every county, riding, or division, or county of a city or county of a town, in general or quarter sessions assembled, and in Scotland the justices of the peace at a meeting to be called for the purpose by the sheriff of each county, and the magistrates of each royal burgh, within three months after the passing of this Act, and so from time to time at any subsequent general or quarter sessions, or meeting so called as aforesaid, shall determine the number of copies of the imperial standard weights and measures which they shall deem requisite for the comparison of all weights and measures in use within their respective jurisdictions, and shall direct that such copies, verified and stamped at the Exchequer, shall be provided for the use of the same, and shall fix the places at which such copies shall be deposited; and shall appoint a sufficient number of inspectors of weights and measures for the safe custody of such copies, and for the discharge of the other duties herein-after mentioned, and shall allot to each inspector a separate district, such district to be dis-

Copies of the  
imperial stan-  
dards to be  
provided by  
order of gene-  
ral or quarter  
sessions in  
England, and  
by meetings of  
justices in  
Scotland.

Appointment  
of inspectors.

tinguished by a number or mark, and shall direct what reasonable remuneration shall be paid to such inspectors for the discharge of such duties as they shall have been ordered by such justices or magistrates as aforesaid to perform; and they are hereby empowered to suspend or dismiss any inspectors so appointed, or to appoint additional inspectors, as occasion may require: Provided always, that nothing herein contained shall extend to compel any royal burgh of Scotland (except such as are county towns) to provide copies of the imperial standard weights and measures, or to appoint an inspector or inspectors for the performance of the duties prescribed by this Act; and that it shall be lawful for the justices of the peace in any county, and for the magistrates of any royal burgh within such county, where they shall agree, to unite the whole or a portion of the county with such royal burgh, and to appoint one inspector therefor, and to provide at their joint expense copies of the imperial standard weights and measures to be used within such united district.

\* \* \* \* \*

Copies of the imperial standards to be provided by grand juries in Ireland;

[XIX.\*] AND be it enacted, that in Ireland the grand jury of every county, county of a city, or county of a town shall, at the assizes, or, where no assizes are held, at the presenting term, next ensuing after the passing of this Act and so from time to time at any subsequent assizes or presenting term, determine the number of copies of the imperial standard weights and measures which they shall deem requisite for the comparison of all weights and measures in use within their counties, counties of cities, or counties of towns respectively, and shall direct that such copies, verified and stamped at the Exchequer, shall be provided for the use of the same, and shall fix the places at which such copies shall be deposited; and shall appoint a sufficient number of inspectors of weights and measures for the safe custody of such copies, and for the discharge of the other duties herein-after mentioned, and shall allot to each inspector a separate district, and shall direct what reasonable remuneration shall be paid to such inspectors; and they are hereby empowered to suspend or dismiss any inspectors so appointed, or to appoint additional inspectors, from time to time as occasion may require.

\* \* \* \* \*

Magistrates in England and Scotland and grand juries in Ireland to procure stamps for inspectors, for stamping all weights, &c. under this Act.

XXI. AND be it enacted, that in England the justices of the peace in general or quarter sessions assembled, and in Scotland the justices of the peace and magistrates at a meeting called by the sheriff, and in Ireland the grand jury of each county, county of a city, or county of a town, shall provide for the use of the inspectors good and sufficient stamps for the stamping or sealing weights and measures used or to be used in each and every county, riding, or division, county of a city, or county of a town; which stamps so provided shall be taken to be the stamps for such county, riding, or division, county of a city, or county of a town; and that all weights and measures whatsoever, except as herein-after excepted, which shall be used for buying and selling or for the collecting of any tolls or duties, or for the making of any charges on the conveyance of any goods or merchandise, shall be examined and compared with one or more of the copies of the imperial standard weights and measures provided under the authority of this Act for the purpose of

All weights and measures to be examined and stamped.

[\* So much of section 19 as requires grand juries in Ireland to appoint inspectors of weights and measures, rep., 23 & 24 Vict. c. 119. s. 3.]

comparison by such inspectors, who shall stamp, in such manner as best to prevent fraud, such weights and measures, when so examined and compared, if found to correspond with the said copies; and the fees for such examination, comparison, and stamping shall be according to the scale contained in the schedule to this Act annexed; and every person who shall use any weight or measure other than those authorized by this Act, or some aliquot part thereof as herein-before described, or which has not been so stamped as aforesaid, except as herein-after excepted, or which shall be found light or otherwise unjust, shall, on conviction, forfeit a sum not exceeding five pounds; and any contract, bargain, or sale made by any such weights or measures shall be wholly null and void, and every such light or unjust weight and measure so used shall, on being discovered by any inspector so appointed as aforesaid, be seized, and, on conviction of the person using or possessing the same, shall be forfeited: Provided always, that nothing herein contained shall extend to require any single weight above fifty-six pounds to be inspected and stamped, such weight of fifty-six pounds being the greatest of the imperial standard weights deposited in the Exchequer; and that nothing herein contained shall extend to require any wooden or wicker measure used in the sale of lime, or other articles of the like nature, or any glass or earthenware jug or drinking cup, though represented as containing the amount of any imperial measure, or of any multiple thereof, to be stamped; but any person buying by any vessel represented as containing the amount of any imperial measure, or of any multiple thereof, is hereby authorized to require the contents of such vessel to be ascertained by a comparison with a stamped measure, such stamped measure to be found and provided by the person who shall use such wooden or wicker measure, glass jug or drinking cup, as aforesaid; and in case the person who shall use such last-mentioned measure or vessel shall refuse to make such comparison, or if, upon such comparison being made, such wooden or wicker measure, glass jug or drinking cup, shall be found to be deficient in quantity, the person who shall use the same shall, on conviction, be subject to the forfeitures and penalties herein-before imposed on any person using light or unjust weights or measures.

Penalty on using weights or measures not authorized by Act, &c.

No weight above 56 lbs., &c. to be inspected or stamped.

XXII. AND be it enacted, that the expense of providing and transmitting such copies of the imperial standard weights and measures, and of the stamps to be used by the inspectors, and the remuneration to the inspectors, shall be paid in England out of the stock raised in such counties, ridings, divisions, or counties of cities; and in Scotland such expenses in the respective shires and stewartries and cities or royal burghs shall be assessed by the commissioners of supply upon such shires and stewartries, and upon cities or royal burghs by the magistrates thereof, and shall be paid along with the land tax payable in such shires or stewartries and cities or royal burghs, to the collectors of the land tax in such shires or stewartries and cities or royal burghs respectively; and in Ireland such expenses in the respective counties, counties of cities, and counties of towns, shall be provided for and paid by presentments to be made by the grand juries on such counties, counties of cities, and counties of towns respectively; and the collectors of land tax in Scotland shall have such and the same powers of levying and recovering the assessments to be made under this Act as are competent to them for levying and recovering the said land tax.

Expense of providing copies of standards and remuneration to inspectors, &c. to be defrayed out of county rate, &c.

No maker or seller of weights or measures to be appointed inspector.

Inspectors to enter into recognizance.

XXIII. AND be it enacted, that after the passing of this Act no maker or seller of weights or measures, or person employed in the making or selling thereof, shall be appointed an inspector of weights and measures under the provisions of this Act; and that every inspector shall forthwith enter into a bond or recognizance to the King, to be sued for in any court of record, in the sum of two hundred pounds, for the due and punctual performance of the duties of his office, and for the due and punctual payment, at such time or times as he may be directed by the justices, magistrates, or other persons by whom he may have been appointed, of all fees received by him under the authority of this Act, and for the safety of the stamps and copies of the imperial standard weights and measures committed to his charge, and for their due restoration and surrender to such person or persons as may be appointed to receive them by the justices, magistrates, or other persons aforesaid, immediately on his removal or other cessation from office.

Inspectors to attend at market towns, when ordered by justices, &c.

XXIV. AND be it enacted, that in England the justices in general or quarter sessions assembled, and in Scotland the justices or magistrates at a meeting called by the sheriff, and in Ireland the grand jury of each county, county of a city, or county of a town, shall determine and appoint on what day or days each and every such inspector shall attend with the stamps and copies of the imperial standard weights and measures in his custody at each of the several market towns, and at such other places within their respective jurisdictions as they shall deem expedient; and every such inspector so attending shall examine, compare, and stamp, if found correct, all such weights and measures as shall be brought to him for that purpose, and shall also upon all measures and upon all weights of a quarter of a pound and upwards stamp a number or mark distinguishing the district in which he acts; and he shall keep a book, wherein he shall enter minutes of all such comparisons, and give, if required, a certificate under his hand of every such stamping; and every inspector shall, once in every quarter of a year, account to the treasurer of the county, riding, division, county of a city, or county of a town, or to such other persons as shall be duly authorized by those by whom he may have been appointed, for all fees received by him under this Act, and shall pay the amount thereof to such treasurer or other persons as aforesaid, who shall duly account for the same.

Inspector to pay fees to treasurer of county, &c.

Magistrates of certain towns, &c. may appoint inspectors.

XXV. PROVIDED always, and be it enacted, that in the town of Berwick-upon-Tweed and all other places which have been or shall be hereafter authorized under the provisions of any Act of Parliament, whether local or otherwise, to appoint inspectors or examiners of weights and measures, and in all other places which have been or shall be hereafter, by charter, Act of Parliament, or otherwise, possessed of legal jurisdiction, and which have been or shall be hereafter provided with copies of the imperial standard weights and measures verified and stamped at the Exchequer, it shall be lawful for the magistrates of such places, or for any other persons who may be so authorized as aforesaid, to appoint an inspector or inspectors of weights and measures within the limits of their respective jurisdictions; and such inspectors so appointed shall, within such limits exclusively, have the same powers and discharge the same duties as the inspectors of weights and measures appointed under this Act by the county justices or grand juries for their respective counties, and shall account as aforesaid to such persons as shall be duly authorized by those by

Powers and duties of such inspectors.

whom they may have been appointed for the amount of the fees received by them: Provided always, that nothing herein contained shall prevent inspectors appointed by county justices or grand juries from coming to any place within the limits of such other jurisdiction or authority as aforesaid, and there inspecting and stamping the weights and measures of any person residing within the district for which such inspectors may have been appointed; but that any inspector knowingly stamping any weight or measure of any person residing within the limits of any local jurisdiction for which another inspector may have been legally appointed as aforesaid shall forfeit a sum not exceeding twenty shillings for every weight or measure which he may so stamp.

Powers of county inspectors in such towns, &c.

XXVI. AND be it enacted, that in every city or town not being a county of itself, every individual or individuals or body corporate in Ireland exercising the privilege of appointing a weighmaster shall, on or before the first day of January one thousand eight hundred and thirty-six, or within three months after the set of copies of the imperial standard weights and measures for the county in which such right shall be exercised shall have been provided, supply such weighmaster with accurate beams and scales, and with a set of accurate copies, in respect of weight, capacity, and length, of the county set, under a penalty of twenty pounds; and the accuracy of such set of copies shall be certified under the hand of some inspector of weights and measures; and such set of copies shall, for the purpose of comparison and verification, be considered copies of the imperial standard weights and measures required by this Act, and shall be used for no other purpose whatever, under a penalty of five pounds; and once at least in every five years, under the like penalty, the same shall be re-adjusted by some set of copies of the standard weights and measures which shall have been verified by the Exchequer standard.

Weighmasters in Ireland to be supplied with beams and scales, and accurate copies of standards.

XXVII. AND be it enacted, that no weight or measure duly stamped by any inspector appointed under the authority of the said Act hereby repealed, or this Act, or by any other person or persons legally authorized to examine and stamp any weights or measures, shall be liable to be re-stamped, although the same be used in any other place than that at which the same was originally stamped, but shall be considered as a legal weight or measure throughout the United Kingdom, unless found to be defective or unjust.

Weights and measures once stamped need not be re-stamped when used elsewhere.

XXVIII. AND be it enacted, that in England and Ireland it shall be lawful for every justice of the peace of any county, riding, or division, or of any city or town, and in Scotland for every sheriff, justice, or magistrate of any borough or town, or for any inspector authorized in writing under the hand of any justice of the peace in England and Ireland, or of any sheriff, justice, or magistrate in Scotland, at all seasonable times to enter any shop, store, warehouse, stall, yard, or place whatsoever within his jurisdiction, wherein goods shall be exposed or kept for sale, or shall be weighed for conveyance or carriage, and there to examine all weights, measures, steelyards, or other weighing machines, and to compare and try the same with the copies of the imperial standard weights and measures required or authorized to be provided under this Act; and if upon such examination it shall appear that the said weights or measures are light or otherwise unjust, the same shall be liable to be seized and forfeited; and the person or persons in whose possession the same shall be found shall, on conviction, forfeit a sum not exceeding five pounds; and any person who shall have in his or her possession a steelyard,

Justices and inspectors may enter shops, and inspect weights and measures, &c.

or other weighing machine which shall on such examination be found incorrect or otherwise unjust, or who shall neglect or refuse to produce for such examination, when thereto required, all weights, measures, steelyards, or other weighing machines which shall be in his or her possession, or shall otherwise obstruct or hinder such examination, shall be liable to a like penalty.

Penalty on  
inspector for  
neglect of duty  
or for mis-  
conduct.

XXIX. AND be it enacted, that in case any inspector of weights and measures, or any other person legally authorized to examine and stamp any weights or measures, shall stamp any weight or measure without duly verifying the same by comparison with a copy of the imperial standard, or shall be guilty of a breach of any duty imposed upon him by this Act, or shall otherwise misconduct himself in the execution of his office, every such offender shall, upon conviction, forfeit a sum not exceeding five pounds for every such offence.

Penalty for  
counterfeiting  
stamps on  
weights and  
measures, &c.

XXX. AND be it enacted, that if any person or persons shall make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or knowingly act or assist in the making, forging, or counterfeiting, any stamp or mark now used or which may hereafter be used for the stamping or marking of any weights or measures under this Act, shall for every such offence forfeit, on conviction, a sum not exceeding fifty pounds or less than ten pounds; and if any person shall knowingly sell, utter, dispose of, or expose to sale any weight or measure with such forged or counterfeit stamp or mark thereon, every person so offending shall for every such offence forfeit, on conviction, a sum not exceeding ten pounds or less than forty shillings; and that all weights and measures with such forged or counterfeited stamps or marks shall be forfeited and broken up, and the proceeds thereof shall be disposed of in the manner herein-after mentioned.

Penalty on  
price lists, &c.  
denoting  
greater or less  
weight or mea-  
sure than the  
same denomi-  
nation of im-  
perial weight  
or measure.

XXXI. AND be it enacted, that from and after the first day of January one thousand eight hundred and thirty-six, if any person or persons shall print, or if the clerk of any market or other person shall make, any return, price list, price current, or any journal or other paper containing price list or price current, in which the denomination of weights and measures quoted or referred to shall denote or imply a greater or less weight or measure than is denoted or implied by the same denomination of the imperial weights and measures under and according to the provisions of this Act, such person or persons or clerk of the market shall forfeit and pay any sum not exceeding ten shillings for every copy of every such return, price list, price current, journal, or other paper, which he or they shall publish.

Application of  
penalties in  
England and  
Ireland.

XXXII. AND be it enacted, that all penalties and forfeitures which shall be incurred under any of the provisions of the said recited Act of the fifth year aforesaid, or this Act, after deducting so much thereof, not exceeding a moiety, to be paid to the party on whose information the conviction shall take place, as the justice before whom the party is convicted shall think fit, shall be paid to the treasurer of such county, riding, or division, county of a city, corporate town, or other place in which they shall be respectively recovered, or to such other person as shall be duly authorized to receive the same, and be applied to and make part of the county stock, or of such other funds as shall be liable, under the provisions of this or any other Act, to the cost of providing and maintaining copies of the imperial





chief magistrate, upon the confession of the offender or otherwise, that he or she hath not sufficient goods and chattels whereupon such penalty or forfeiture, costs and expenses, could be levied if a warrant of distress were issued, such justices, mayor, or other chief magistrate shall not be required to issue such warrant, but in such case such justices, mayor, or other chief magistrate is hereby required, by warrant under their hands and seals or his hand and seal, to commit such offender to some common gaol or house of correction for the county, city, borough, town, or place, there to remain without bail or mainprise, for any time not exceeding two calendar months, or until such offender shall have paid such penalty or forfeiture and all costs and charges attending the proceedings (to be ascertained by such justices, mayor, or other chief magistrate), or shall otherwise be discharged by due course of law.

Persons ag-  
grieved may  
appeal to  
quarter  
sessions.

XXXV. AND be it enacted, that in England and Ireland all persons who may think themselves aggrieved by any order, judgment, or determination of any justice of the peace, mayor, or chief magistrate, relating to any matter or thing in this Act mentioned or contained, may, within fourteen days next after such order, judgment, or determination shall have been made or given, appeal to the justices of the peace at the then next ensuing general or quarter sessions to be held for the city, borough, or county within which the alleged cause of appeal shall arise, first giving seven days notice in writing of such intention to appeal, and the grounds and nature thereof, to the party against whom such complaint is intended to be made, and forthwith after such notice entering into a recognizance before some justice of the peace, mayor, or other chief magistrate, with two sufficient sureties, conditioned to try such appeal, and abide the order and award of the said court thereon; and the said justices shall either hear and determine the said complaint at such general or quarter sessions, or, if they think proper, shall adjourn the hearing thereof to the following general or quarter sessions of the peace to be held for such city, borough, or county; and the said justices may, if they see cause, mitigate any penalty or forfeiture, and may order any money to be returned which may have been levied in pursuance of such order or determination, and may also order any such further satisfaction to be made to the party injured as they shall judge reasonable, and may also order such costs to be paid to the party aggrieved by the party aggressing as they shall think reasonable.

Proceedings  
not to be  
quashed for  
want of form or  
removed by  
certiorari, &c.

XXXVI. AND be it enacted, that no proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for want of form, or be removed by certiorari, or by any other writ or proceeding whatsoever, into any of his Majesty's courts of record at Westminster or elsewhere, any law or statute to the contrary notwithstanding.

Recovery and  
application of  
penalties in  
Scotland.

XXXVII. AND be it enacted, that in Scotland all penalties incurred under the provisions of this Act or of any of the before-recited Acts shall be recoverable, with expenses, either before the sheriff of the county or the magistrates of the burgh or town corporate wherein the same may be incurred or where the offender may reside, or before two or more justices of the peace of such county, at the instance either of the procurator fiscal of court or any person who may prosecute for the same; and the whole penalties, after deducting all charges and such remuneration to the person prosecuting as the said justices shall think fit, shall be applied in aid of the funds liable

under the provisions of this Act to the cost of providing and maintaining copies of the imperial standard weights and measures in the place where such penalties shall be awarded; and it is hereby provided, that it shall be competent for the said courts respectively to proceed in a summary way, and to grant warrant for bringing the parties complained of before them, and upon proof on oath by one or more credible witnesses, or on the confession of the offender, or on other legal evidence, forthwith to give judgment on such complaint, without any written pleadings or record of evidence, and to grant warrant for the recovery of such penalties and expenses decerned for, failing payment within fourteen days after conviction, by poinding, or by imprisonment for a period, at the discretion of the court, not exceeding sixty days; it being hereby provided that a record should be preserved of the charge and of the judgment pronounced.

XXXVIII. AND be it enacted, that in Scotland, if any person or persons shall feel themselves aggrieved by the sentence of any sheriff or magistrates of burghs or towns corporate, or justices of the peace, pronounced in any case arising under this Act, it shall be lawful for such person or persons to appeal to the court of justiciary at the next circuit court, or where there is no circuit court, to the High Court of Justiciary at Edinburgh, in the manner, and under the rules, limitations, and conditions contained in an Act passed in the twentieth year of the reign of his Majesty King George the Second, intituled "An Act for taking away and abolishing heritable jurisdictions in Scotland," with this variation only, that such person or persons so appealing shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or penalties and expenses awarded against him or them by the sentence or sentences appealed from, in the event of the appeal or appeals being dismissed, together with any additional expenses which shall be awarded by the court in dismissing the said appeal; and it shall not be competent to appeal from or to bring the judgment of any sheriff or justices of the peace acting under this Act under review by advocacy, suspension, or reduction, or in any other way other than as herein provided.

Appeal in Scotland to court of justiciary.

20 Geo. 2. c. 43.

XXXIX. AND be it enacted, that in all actions brought against any person for anything done in pursuance of this Act, or in the execution of the powers or authorities thereof, such action shall be laid and brought in the county within which the cause of action shall have arisen; and the defendant or defendants in such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the acts were done in pursuance or by the authority of this Act; and if they shall appear to have been so done, or that such action shall have been brought otherwise than as herein-before directed, then and in every such case the jury shall find for the defendant or defendants; upon which verdict, or if the plaintiff or plaintiffs shall become nonsuited, or shall suffer a discontinuance of his, her, or their action after the defendant or defendants shall have appeared thereto, or if a verdict shall pass against the plaintiff or plaintiffs therein, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have his, her, or their costs, and shall have such remedy for recovering the same as defendants have for recovering costs of suit by law in any other cases.

Venue of actions, &c.

Plaintiff not to  
recover after  
tender of  
amends, &c.

XL. AND be it enacted, that no plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this Act, if tender of sufficient amends shall have been made by or on behalf of the party or parties who shall commit such irregularity, trespass, or other wrongful proceeding, before such action brought; and in case no tender shall have been made, it shall be lawful for the defendant or defendants in any such action by leave of the court wherein such action shall depend, at any time before issue joined, to pay into court such sum or sums of money as he, she, or they shall think fit, whereupon proceedings, order, and adjudication shall be had and made in and by such court, as in other actions where defendants are allowed to pay money into court.

\* \* \* \* \*

Saving as to  
powers of  
ward inquests  
in London, &c.

XLII. PROVIDED always, and be it enacted, that nothing in this Act contained shall interfere with the powers of the ward inquests in respect to weights and measures within the city of London and liberties thereof, and the borough of Southwark, nor prohibit, defeat, injure, or lessen the right of the mayor and commonalty and citizens of the city of London, or of the lord mayor of the said city for the time being, with respect to the stamping or sealing weights and measures, or concerning the office of gauger of wines, oils, honey, and other gaugeable liquors, imported and landed within the city of London and liberties thereof.

Saving as to  
rights of the  
founders com-  
pany.

XLIII. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the rights granted by charter to the master, wardens, and commonalty of the mystery of founders of the city of London.

Saving as to  
rights of the  
universities of  
Oxford and  
Cambridge.

XLIV. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the rights or privileges of either of the universities of Oxford or Cambridge; but that the custody of the assize, assay, and overlooking of weights and measures in the city of Oxford and its suburbs, and in the town of Cambridge, shall continue as heretofore and be in the chancellor, vice chancellor, or his deputy of the said universities respectively; and that the chancellor, vice chancellor, or his deputy of each of the said universities for the time being, and none other, shall have the power, and is or are hereby authorized, as occasion may require, to appoint in and for the said city and suburbs, and in and for the said town respectively, an inspector or inspectors of weights and measures, and shall have full power and authority to perform and execute all such matters and things as are required or are granted to justices of the peace of any county, city, town, or other jurisdiction in England and Wales, under the provisions of this Act, or by any or either of the said recited Acts; and every such inspector is hereby authorized and empowered to put in force and execute all such powers and provisions as are by this Act, or by any or either of the said recited Acts, granted to or required of any inspector or inspectors of weights and measures appointed as aforesaid by the justices of the peace in quarter sessions assembled.

Act not to  
abridge the  
power of the  
leet jury, &c.

XLV. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to supersede, limit, take away, lessen, or prevent the authority which any person or persons, bodies

politic or corporate, or any person appointed at any court leet for any hundred or manor, or any jury or ward inquest, may have or possess for the examining, regulating, seizing, breaking, or destroying any weights, balances, or measures within their respective jurisdictions, or the power given by any Act or Acts now in force to justices or other authorities to appoint examiners for the inspection of weights and measures.

\* \* \* \* \*

### SCHEDULE OF FEES

To be taken by all INSPECTORS of WEIGHTS and MEASURES appointed under the Authority of this Act.

For examining, comparing, and stamping all brass weights within their respective jurisdictions :

	<i>s.</i>	<i>d.</i>
Each half hundredweight - - -	-	0 9
Each quarter of a hundredweight - -	-	0 6
Each stone - - -	-	0 4
Each weight under a stone to a pound inclusive	-	0 1
Each weight under a pound - - -	-	0 0½
Each set of weights of a pound and under	-	0 2

For examining, comparing, and stamping all iron weights, or weights of other descriptions not made of brass, within their respective jurisdictions :

	<i>s.</i>	<i>d.</i>
Each half hundredweight - - -	-	0 3
Each quarter of a hundredweight - -	-	0 2
Each stone - - -	-	0 1
Each weight under a stone - - -	-	0 0½
Each set of weights of a pound and under	-	0 2

For examining, comparing, and stamping all wooden measures within their respective jurisdictions :

	<i>s.</i>	<i>d.</i>
Each bushel - - -	-	0 3
Each half bushel - - -	-	0 2
Each peck, and all under - - -	-	0 1
Each yard - - -	-	0 0½

For examining, comparing, and stamping all measures of capacity of liquids, made of copper or other metal, within their respective jurisdictions.

	<i>s.</i>	<i>d.</i>
Each five gallon - - -	-	1 0
Each four gallon - - -	-	0 9
Each three gallon - - -	-	0 6
Each two gallon - - -	-	0 4
Each gallon - - -	-	0 2
Each half gallon - - -	-	0 1
Each quart, and under - - -	-	0 0½

## CHAPTER LXIV.

AN ACT to alter certain Duties of Stamps and Assessed Taxes, and to regulate the Collection thereof. [9th September 1835.]

\* \* \* \* \*

Treasury may compound with the East India Company for the stamp duties on India bonds.

IV. AND whereas it is expedient that the bonds to be made and issued by the East India Company for the payment of any definite and certain sum of money should be freed and exempted from all stamp duties upon payment by the said company of an annual sum as a composition for and in lieu of such duties, in the manner, herein-after mentioned: Be it therefore enacted, that from and after the passing of this Act it shall be lawful for the commissioners of his Majesty's Treasury for the time being, or any three or more of them, from time to time to compound and agree with the East India Company for the payment by the said company of such an annual sum of money as the said commissioners shall deem to be a reasonable composition for and in lieu of the stamp duties which would otherwise be payable on such bonds as aforesaid, to be made and issued by the said company at any time during the term for which such composition shall be made; which said sum of money so agreed upon shall be paid to the receiver general of stamps and taxes by two equal half-yearly payments on such days in every year during the said term as the said commissioners shall appoint for that purpose, and the payment thereof accordingly shall be secured by the bond of the said company, which is hereby exempted from stamp duty; and every such composition shall be made either for one year or for any term not exceeding five years, at the discretion of the said commissioners, and may be renewed and continued from time to time for any further term not exceeding as aforesaid, and for the payment of the same or any greater or less annual sum, as the said commissioners shall deem to be reasonable; and upon such composition being agreed upon and secured in manner aforesaid, all the bonds for the payment of any definite and certain sum or sums of money, which shall be made and issued by the said company during the term for which such composition shall be made, renewed, or continued, shall be and the same are hereby freed and exempted from all stamp duties.

\* \* \* \* \*

Treasury may appoint distributors and sub-distributors of stamps to be collectors of the land and assessed taxes in Scotland, &c.

X. AND whereas the revenues arising from the duties of stamps and the land and assessed taxes in Great Britain are now under the care and management of one consolidated board of commissioners of stamps and taxes, and it would facilitate the collection of the land and assessed taxes in Scotland, and tend to reduce the expense of receiving and remitting that branch of the public revenue, if the several distributors and sub-distributors of stamps or other persons employed in the receipt and collection of the stamp duties in Scotland were also appointed collectors of the land and assessed taxes: Be it therefore enacted, that from and after the passing of this Act it shall be lawful for the commissioners of his Majesty's Treasury, or any three or more of them, to appoint such and so many of the distributors and sub-distributors of stamps in Scotland, or such other persons as the said commissioners may think fit, to be collectors or other officers for collecting and receiving the land tax and assessed taxes in Scotland, and for such parts of Scotland and with such salaries and allowances as the said commissioners of his Majesty's Treasury

shall think fit, and such persons shall hold their respective offices during the will and pleasure of the said commissioners of his Majesty's Treasury or of the commissioners of stamps and taxes, in such manner as the said commissioners of his Majesty's Treasury shall direct; and such persons shall in all matters and things relating to the execution of their duties be subject to the authority, directions, and control of the commissioners of his Majesty's Treasury and the commissioners of stamps and taxes, and shall obey such orders and instructions as shall from time to time be issued to them by the said commissioners respectively: Provided always, that the land tax commissioners and commissioners for putting in execution the Assessed Tax Acts in Scotland shall have no power or authority whatever to appoint persons to collect the said land tax and assessed taxes, or to remove, or call to account, or examine, or enforce payment of balances due by the persons appointed by virtue of this Act, anything in any Act or Acts contained to the contrary notwithstanding: Provided also, that if any persons other than the distributors and sub-distributors of stamps in Scotland shall be appointed as aforesaid to be collectors or other officers as aforesaid, then the names of such persons, with their respective salaries and allowances, shall be laid by the said commissioners of his Majesty's Treasury before Parliament within twenty-one days after the commencement of the session of Parliament which shall next follow every such appointment.

XI. AND be it enacted, that the collectors and other officers to be appointed as aforesaid shall, before they shall act in the execution of their respective offices, give security by bond to his Majesty, his heirs and successors, to such an amount and in such terms as the commissioners of stamps and taxes shall think fit, and with sufficient sureties to the satisfaction of the said commissioners.

Such collectors, &c. to give security.

XII. AND be it enacted, that all bonds, bills, and securities whatsoever to be entered into with or given by the collectors to be appointed under the provisions of this Act or their respective sureties, with relation to the said duties of land and assessed taxes respectively, shall be free from all stamp duty whatever; and no collector appointed under this Act as aforesaid shall in any case be liable to or charged with any stamp duty, fee, or gratuity on his commission, warrant, or other instrument to be obtained or had either on his first appointment or any renewed or succeeding appointment to be such collector as aforesaid under this Act, nor to any fee or gratuity for any matter or thing incident to the execution of his office, or for auditing or passing his accounts either in his Majesty's Treasury or the office for taxes or any other office.

Bonds, commissions, &c. under this Act to be free from stamp duty and fees.

XIII. AND whereas by an Act passed in the forty-third year of the reign of King George the Third, intituled "An Act for consolidating certain of the provisions contained in any Act or Acts relating to the duties under the management of the commissioners for the affairs of taxes, and for amending the said Acts, so far as the same relate to that part of Great Britain called Scotland," it is enacted, that the land tax in Scotland shall be assessed, raised, levied, and paid under the regulations of the last-recited Act; and it is expedient to alter the said enactment: Be it therefore enacted, that the land tax in Scotland shall be recovered, levied, collected, and paid under the same rules, regulations, provisions, and penalties as the assessed taxes in Scot-

43 Geo. 3. c. 150. s. 1.

Land tax in Scotland to be collected and paid under the

same rules as  
the assessed  
taxes.

land now are or may hereafter be recovered, levied, collected, and paid, anything in the said last-recited Act or any other Act or Acts contained to the contrary thereof in anywise notwithstanding.

\* \* \* \* \*

## CHAPTER LXV.

AN ACT for preventing the Publication of Lectures without Consent.

[9th September 1835.]

Authors of  
lectures, or  
their assigns,  
to have the  
sole right of  
publishing  
them.

Penalty on  
other persons  
publishing, &c.  
lectures without  
leave.

**W**HEREAS printers, publishers, and other persons have frequently taken the liberty of printing and publishing lectures delivered upon divers subjects without the consent of the authors of such lectures or the persons delivering the same in public, to the great detriment of such authors and lecturers: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of September one thousand eight hundred and thirty-five the author of any lecture or lectures, or the person to whom he hath sold or otherwise conveyed the copy thereof in order to deliver the same in any schools, seminary, institution, or other place, or for any other purpose, shall have the sole right and liberty of printing and publishing such lecture or lectures; and that if any person shall, by taking down the same in short hand or otherwise in writing, or in any other way, obtain or make a copy of such lecture or lectures, and shall print or lithograph or otherwise copy and publish the same, or cause the same to be printed, lithographed, or otherwise copied and published, without leave of the author thereof, or of the person to whom the author thereof hath sold or otherwise conveyed the same, and every person who, knowing the same to have been printed or copied and published without such consent, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such lecture or lectures, shall forfeit such printed or otherwise copied lecture or lectures, or parts thereof, together with one penny for every sheet thereof which shall be found in his custody, either printed, lithographed, or copied, or printing, lithographing, or copying, published or exposed to sale, contrary to the true intent and meaning of this Act, the one moiety thereof to his Majesty, his heirs or successors, and the other moiety thereof to any person who shall sue for the same, to be recovered in any of his Majesty's courts of record in Westminster, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, or more than one imparlance, shall be allowed.

Penalty on  
printers or  
publishers of  
newspapers  
publishing  
lectures without  
leave.

II. AND be it further enacted, that any printer or publisher of any newspaper who shall, without such leave as aforesaid, print and publish in such newspaper any lecture or lectures, shall be deemed and taken to be a person printing and publishing without leave within the provisions of this Act, and liable to the aforesaid forfeitures and penalties in respect of such printing and publishing.

Persons having  
leave to attend  
lectures not on  
that account

III. AND be it further enacted, that no person allowed for certain fee and reward, or otherwise, to attend and be present at any lecture delivered in any place, shall be deemed and taken to be licensed or to have leave to print,

copy, and publish such lectures only because of having leave to attend such lecture or lectures.

licensed to  
publish them.

IV. PROVIDED always, that nothing in this Act shall extend to prohibit any person from printing, copying, and publishing any lecture or lectures which have or shall have been printed and published with leave of the authors thereof or their assignees, and whereof the time hath or shall have expired within which the sole right to print and publish the same is given by an Act passed in the eighth year of the reign of Queen Anne, intituled "An Act for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies during the times therein mentioned," and by another Act passed in the fifty-fourth year of the reign of King George the Third, intituled "An Act to amend the several Acts for the encouragement of learning, by securing the copies and copyright of printed books to the authors of such books, or their assigns," or to any lectures which have been printed or published before the passing of this Act.

Act not to  
prohibit the  
publishing of  
lectures after  
expiration of  
the copyright.

8 Ann. c. 21.

54 Geo. 3.  
c. 156.

V. PROVIDED further, that nothing in this Act shall extend to any lecture or lectures, or the printing, copying, or publishing any lecture or lectures, or parts thereof, of the delivering of which notice in writing shall not have been given to two justices living within five miles from the place where such lecture or lectures shall be delivered two days at the least before delivering the same, or to any lecture or lectures delivered in any university or public school or college, or on any public foundation, or by any individual in virtue of or according to any gift, endowment, or foundation; and that the law relating thereto shall remain the same as if this Act had not been passed.

Act not to  
extend to lec-  
tures delivered  
without notice  
to justices, &c.

## CHAPTER LXIX.

AN ACT to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in England and Wales.  
[9th September 1835.]

WHEREAS there are certain legal difficulties attending the title, purchase, sale, and disposal of property, which, with respect to workhouses and other property belonging to parishes, incorporations, or unions, it is expedient to remove; and it is also expedient to simplify the assurances for the conveyance, exchange, or transfer of such property: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the commissioners of the King's Majesty's woods, forests, and land revenues, by and with the consent in writing of the lord high treasurer or the commissioners of his Majesty's Treasury, or any three or more of them, and for his Majesty, by any grant signed by the chancellor of the duchy of Lancaster, and for the duke of Cornwall, by any grant signed by the chancellor of that duchy, to grant, and for the guardians and overseers of the poor of any parish or union of parishes, under the direction and with the approbation of the poor law commissioners for England and Wales (to be testified by order under their hands and seal), and for any lay or ecclesiastical corporation aggregate or sole, and for any feoffees or trustees to charitable or other uses, and for any

Corporations  
and persons  
under disability  
may convey  
lands, &c. for  
the purposes of  
a workhouse,  
&c.



person beneficially seised or entitled in possession as tenant in fee simple, or in fee tail, general or special, or for his own life or for years determinable on his own life (such estate for life or years not being subject to any rent), or for any term of years in gross whereof not less than four hundred shall be unexpired, and subject to no equity of redemption or rent, except a nominal rent, and for any married woman entitled or interested as aforesaid to her separate use, and for the guardian, trustee, husband, or committee of any person so seised or entitled who shall be an infant, married woman (not separately entitled), idiot, lunatic, or under any other disability, to dispose of, by way of absolute sale, or in exchange for any messuages, lands, or other hereditaments, any lands or buildings for the purpose of the same being used as or converted into a workhouse, or of being used as the site of a workhouse, or of being occupied with a workhouse, or for any other purpose relating to the relief of the poor which the said poor law commissioners may approve of, with the rights and appurtenances, and to convey the same and the fee simple and inheritance thereof unto the guardians or overseers of any union or parish and their successors, or in such other manner as the said poor law commissioners may direct, and to accept from and give to such guardians or overseers any monies by way of equality of exchange.

Payment into  
Bank of  
England and  
investment  
of purchase  
money to the  
same uses as  
the lands sold  
were subject to,  
&c.

II. AND with regard to the application of money paid for the purchase or on the exchange of hereditaments of persons under disability, be it enacted, that all sums of money which shall be agreed to be paid to any corporation, or to any trustee, guardian, or committee for or on behalf of any infant, ward, lunatic, idiot, married woman, or other person under disability, or to any person whose lands shall be limited in settlement, for the purchase or exchange of hereditaments as aforesaid, shall, in case the same shall exceed the sum of fifty pounds, and there shall be no person capable of giving a sufficient discharge for the same, be paid by the said guardians and overseers into the Bank of England in the name and with the privity of the accountant general of the Court of Exchequer, to be placed in his account to the credit of the party who shall be so interested in the said hereditaments, describing them, subject to the order of the said Court of Exchequer; which said court, on the petition of or motion on behalf of any corporation or person making claim to any such money, is hereby empowered to order summarily the investment of such money in the purchase of real estates, to be settled to the same uses and upon the same trusts as the lands so sold were previously subject to, or in the public funds, and the distribution of the rents and dividends thereof respectively, according to the respective interests of the claimants thereof, and to make such other order in the premises as to the court shall seem reasonable; and the cashier of the Bank of England, who shall receive such money, shall give a receipt to the party paying the same, specifying for what the same is received, which receipt shall be to all intents and purposes a sufficient discharge; and upon such receipt being given it shall be lawful for the said poor law commissioners, by order under their hands and seals, to direct that the said hereditaments so purchased by such guardians or overseers shall be appropriated for the purposes of this Act; and in case of doubts or questions of title to any money paid into the Bank of England by virtue of this Act, or the securities on which the same may be invested, or the dividends or interest thereof, the corporation or person who shall have been in the possession of such heredita-

ments, interests, or incumbrances at the time of such purchase, and persons claiming under them, shall be deemed and taken to be lawfully entitled to such hereditaments, interests, or incumbrances, until the contrary shall be shown to the satisfaction of the said Court of Exchequer; and the securities and principal and interest monies shall be applied and disposed of accordingly; and in case of such purchase, payment into the Bank of England, and application to the Court of Exchequer as aforesaid, it shall be lawful for the said court to order the expences attending such purchase, payment, or application, or any part thereof, to be paid by such guardians or overseers, who shall accordingly pay the same as and when the said court shall direct; and the money so paid shall be a charge on the poor rates of such parish or such union, as the case may be.

Court of Exchequer may order payment of expences by guardians, &c.

III. AND in order to ensure the due application of the property of parishes and unions, be it enacted, that it shall be lawful for the guardians of any parish or union, and for the overseers of any parish not under the management of a board of guardians, and for the guardians or trustees, guardian or trustee of any dissolved union, or the person or persons who were the guardians or trustees, guardian or trustee of any dissolved union at the time of its dissolution, or a majority of such guardians, trustees, or persons, if more than one, with the approbation and subject to the rules, orders, and regulations of the poor law commissioners, to sell, exchange, let, or otherwise to dispose of any workhouses, tenements, buildings, land, effects, or other property belonging to any such parish or union, or vested in trustees or feoffees in trust for such parish or union, or for the parishioners, rate-payers, or inhabitants thereof, or which belong or did belong to any dissolved union, and every and any part of such property, and to convey, assign, or transfer the same accordingly to the purchasers or parties exchanging, as they shall direct; and in case of a sale to apply the produce arising therefrom (after deducting the reasonable expences thereof) towards the purchase or building of any workhouse, or as or in part of the proportion of such parish or union towards the expence of any workhouse erected, purchased, or provided on behalf; of such parish or union, or as a loan to the board of guardians of such union, upon the security of the rates, for the purpose of erecting a workhouse, or in liquidation of any debt contracted by such parish or union or dissolved union, or in such other manner for the permanent advantage of such parish or union or dissolved union as the said poor law commissioners may approve; and in case of an exchange, the hereditaments to be taken in exchange shall be conveyed to the guardians of such parish or union, or the overseers of such parish, upon the same trusts, and the rents and profits thereof shall be applied to the same purposes, as the hereditaments given in exchange were held, and the rents and profits thereof would have been applicable under the provisions of the law or of this Act, if the same hereditaments had not been exchanged; and it shall be lawful for the said poor law commissioners to direct the mode and proportions on parishes in which any money required for the purchase of any such property shall be raised, paid, and secured, and also to direct the mode in which the persons by whom, and the objects relating to the management of the poor to which, the rents, profits, beneficial occupation, or income of such property shall be applied, assigned, or distributed; and wheresoever the workhouse or workhouses of any parish in any union may have become or

Overseers and guardians of the poor may sell, purchase, and dispose of workhouses, &c.

4 & 5 Will. 4.  
c. 76.

shall hereafter become convertible to the common use of such union, it shall be lawful for the said poor law commissioners to direct such an annual sum, in the nature of rent or other compensation, to be paid to such parish out of the common fund of the union, and to vary the amount of such annual sum or compensation from time to time, as they the said poor law commissioners shall see fit: Provided always, that no such sale or exchange or letting of any workhouses, tenements, buildings, or land of any parish shall take place except with the consent of a majority of the rate-payers of such parish, and of the owners of property therein, entitled to vote under and by virtue of the Act passed in the fourth and fifth years of the reign of his present Majesty, intituled "An Act for the amendment and better administration of the laws " relating to the poor in England and Wales," assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place and purpose of holding such meeting shall have been given in like manner as notices of vestry meetings are published and given, such majority to be ascertained in manner provided by the said Act: Provided also, that every sale and exchange or lease of any such workhouse, tenements, buildings, land, or other property which may have been made before the passing of this Act, with the consent or approbation in writing of the said poor law commissioners, shall be as valid and effectual as if the same had been directed by their order under the authority of this Act; and that any monies or rents which have become or shall become payable in respect of any such sale, exchange, or lease, and have not been applied, shall be applied in the same manner as such monies or rents would have been applicable, if such sale or exchange or lease had been made under this Act.

Certain powers  
given by  
22 Geo. 3.  
c. 83;

59 Geo. 3.  
c. 12.;

1 & 2 Will. 4.  
c. 42.;

1 & 2 Will. 4.  
c. 59.;

and 2 & 3  
Will. 4. c. 42. ;  
shall be exer-  
cised by over-  
seers and guar-  
dians, &c.

IV. AND be it further enacted, that all the powers and authorities in and by an Act passed in the twenty-second year of the reign of King George the Third, intituled "An Act for the better relief and employment of the poor," given to guardians of the poor for or relating to the inclosing of any part or portion of waste or common land as therein mentioned; and all powers and authorities in and by an Act passed in the fifty-ninth year of the same reign, intituled "An Act to amend the laws for the relief of the poor," given to churchwardens and overseers of the poor for taking land or ground into their hands, and for purchasing, hiring, and taking on lease any land; and all the powers and authorities contained in an Act passed in the first and second years of the reign of his present Majesty, intituled "An Act to amend an Act " of the fifty-ninth year of his Majesty King George the Third, for the relief " and employment of the poor"; and in a certain other Act passed in the first and second years of the reign of his present Majesty, intituled "An Act " to enable churchwardens and overseers to inclose land belonging to the " crown for the benefit of poor persons residing in the parish in which such " crown land shall be situate"; and in a certain other Act passed in the second year of the reign of his present Majesty, intituled "An Act to authorize " (in parishes inclosed under any Act of Parliament) the letting of the poor " allotments in small portions to industrious cottagers"; shall in future be exercised (under the control and subject to the rules, orders, and regulations of the poor law commissioners) by the overseers of the poor in any parish not under the management of a board of guardians, and by the guardians of the poor of any union or parish formed or established by virtue of any statute or

local Act; and all the aforesaid powers and authorities relating to the inclosing, purchasing, hiring, or taking any waste, common, or other land, for the purpose or purposes in the said Acts mentioned, shall extend and apply to and may be so exercised as aforesaid by the said overseers and guardians for the purpose of being used as the site of a workhouse, or of being occupied with a workhouse, or for any other of the purposes of the said recited Act passed in the fourth and fifth years of the reign of his present Majesty.

V. AND be it further enacted, that the powers and authorities given by the said Act of the fifty-ninth year of King George the Third, and by the said Act of the second year of the present reign, to justices of the peace to cause possession of parish houses and lands and portions of land to be delivered to the churchwardens and overseers of the poor, and any other auxiliary powers or provisions in the said Acts or other Acts contained in relation thereto, shall extend to and shall be exercised by such justices in respect of any houses and lands and portions of land which are or may be vested in or under the management or control of the guardians of the poor of any union or parish, in the same manner as if the name of those officers had been inserted in the said Acts instead of the names of the churchwardens and overseers of the poor.

Powers given to justices to deliver possession of parish houses, &c. to churchwardens and overseers, extended to property of unions, &c.

VI. AND for simplifying the instruments of assurance of property under this Act, be it enacted, that every conveyance, exchange, security, or assignment of security, under the authority of this Act, may be made according to the forms set forth in the schedule annexed, or in such other forms as the said poor law commissioners shall direct, or as near thereto as the number of parties, the nature of the interests, and the circumstances of the case will admit, and shall, when executed by the conveying parties, be valid and effectual in the law, without livery of seisin being made, or any bargain and sale to vest possession being executed; and that every conveyance, exchange, security, transfer of security, or instrument made under the authority of this Act, shall, when signed by the conveying parties thereto, be transmitted to the said poor law commissioners, who shall, if they shall approve thereof, signify such approval by sealing or stamping the same with their seal; and for preserving evidence of such instruments the said commissioners shall keep a register, properly indexed, in which they shall insert copies or memorials of such deeds or instruments of which they shall so approve, and of such orders of appropriation of property as are herein-before mentioned; and all such copies or memorials, or copies thereof, purporting to be sealed or stamped with the seal of the said commissioners, shall be received as evidence of the instruments respectively of which they purport to be copies or memorials.

Form of conveyance, &c. under this Act.

Approval of the poor law commissioners.

Copies of conveyances, &c. to be registered.

VII. AND for the more easy execution of the purposes of this Act, and of the laws relating to the poor, be it enacted, that the guardians of the poor of every union already formed or which hereafter shall be formed by virtue of the aforesaid Act passed in the fourth and fifth years of the reign of his present Majesty, and of every parish placed under the control of a board of guardians by virtue of the said Act, shall respectively from the day of their first meeting as a board become or be deemed to have become, and they and their successors in office shall for ever continue to be, for all the purposes of this Act, a corporation, by the name of the guardians of the poor of the union (or of the parish of ) in the county of ; and as such corporation the said guardians are hereby empowered to accept, take, and hold, for the

Guardians to be incorporated, &c.



proper words of conveyance to be used,] all, &c. [the property to be aptly described], and all the right, title, and interest of the said A.B. in and to the same and every part thereof, unto and to be holden by the said C.D., his heirs and assigns. In witness whereof the said A.B. and C.D. have hereunto set their hands and seals.

Witness E.F.

A.B. (L.S.)

C.D. (L.S.)



Approved and registered the  
day of

### FORM of Exchange

THIS deed, made the \_\_\_\_\_ day of \_\_\_\_\_ by virtue of an Act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [the title of the Act], and under the direction [or with the approbation] of the poor law commissioners for England and Wales, testified by their seal being hereunto affixed, witnesseth, that A.B. of \_\_\_\_\_ doth grant and convey unto C.D. of \_\_\_\_\_ all [the property to be aptly described], in exchange for the hereditaments herein-after conveyed, to the intent that the said hereditaments above conveyed may be held and enjoyed by the said C.D., and the person or persons who for the time being would have been entitled to the hereditaments herein-after conveyed, if this present exchange had not been made, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances as the same hereditaments herein-after conveyed now are or may or but for this present exchange would have been subject or liable to: And this deed further witnesseth, that, in pursuance of the said Act, and under the said direction [or approbation], the said C.D. doth grant and convey unto the said A.B. all [the property to be aptly described], in lieu of and in exchange for the hereditaments firstly herein-before conveyed, to the intent that the hereditaments lastly herein-before conveyed may be held and enjoyed by the said A.B., and the person or persons who for the time being would have been entitled to the hereditaments firstly herein-before conveyed if this present exchange had not been made, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances as the same hereditaments now or may be or but for this present exchange would have been subject or liable to. In witness whereof the said A.B. and C.D. have hereunto set their hands and seals.

Witness E.F.

A.B. (L.S.)

C.D. (L.S.)



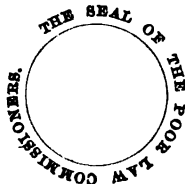
Approved and registered the  
day of

## FORM of Security.

THIS deed, made the \_\_\_\_\_ day of \_\_\_\_\_ by virtue of an Act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [the title of this Act], and under the direction [or with the approbation] of the poor law commissioners for England and Wales, (testified by their seal being hereunto affixed,) witnesseth, that A.B., C.D., E.F., and G.H., being the majority of the guardians of the poor for the union, [or the parish of \_\_\_\_\_], in consideration of the sum of \_\_\_\_\_ to them in hand paid by Y.Z. of \_\_\_\_\_ for the purpose of purchasing, building, erecting, repairing, fitting up, or furnishing a work-house for the union [or parish], and for providing suitable stock and utensils for that purpose, [or in consideration of the conveyance or assurance of, &c., as the case may be,] do hereby charge the poor rates of the parishes of the said union [or parish] with the payment of the principal sum of \_\_\_\_\_ pounds, by the instalments following [naming them], together with interest on the principal which shall from time to time remain due, after the rate of \_\_\_\_\_ per centum, to be payable half-yearly to the said Y.Z., his executors, administrators, and assigns.

Witness L.M.

A.B.  
C.D.  
E.F.  
G.H.



Approved and registered the  
day of \_\_\_\_\_

## FORM of Transfer of Security.

THIS deed, made the \_\_\_\_\_ day of \_\_\_\_\_ by virtue of the Act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [the title of this Act], and [if the guardians or overseers of any parish or union are the parties transferring or accepting the security, then add] under the direction [or with the approbation] of the poor law commissioners for England and Wales (testified by their seal being hereunto affixed), witnesseth, that Y.Z. of \_\_\_\_\_ doth transfer the security [describing it], with all right and title to the principal money thereby secured, and to all the interest now due or hereafter to be due thereon, unto V.W. of \_\_\_\_\_ his executors, administrators, and assigns.

Witness E.F.

Y.Z.  
V.W.



Approved and registered the  
day of \_\_\_\_\_

## CHAPTER LXX.

AN ACT for abolishing, in Scotland, Imprisonment for Civil Debts of small Amount. [9th September 1835.]

**W**HEREAS his Majesty was pleased, by letters patent bearing date on the sixth day of June one thousand eight hundred and thirty-three, under the great seal appointed by the treaty of union to be kept and made use of in place of the great seal of Scotland, to appoint certain commissioners with instructions to inquire, inter alia, "as to the present form of enforcing "judicial decrees by the diligence of horning and caption and imprisonment, "and the expediency of any alteration in the law or forms touching such "proceedings": And whereas the said commissioners have made a report, from which it appears that great hardship is frequently suffered by poor persons in consequence of imprisonment for civil debts to a small amount, without producing thereby any adequate benefit to their creditors: And whereas it is expedient that a remedy should be provided: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of January one thousand eight hundred and thirty-six it shall not be lawful to imprison any person or persons on account of any civil debt which shall not exceed the sum of eight pounds six shillings and eight-pence sterling, exclusive of interest and expences thereon: . . . . .

No person to be imprisoned for a debt not exceeding 8*l.* 6*s.* 8*d.*

II. AND be it enacted, that from and after the first day of January one thousand eight hundred and thirty-six it shall not be lawful for any magistrate, or keeper of a prison, or other officer having the charge of any prison in Scotland, to receive into such prison, or for any messenger at arms or other officer of the law to apprehend or detain in custody, the person of any debtor or alleged debtor for a civil debt of an amount not exceeding eight pounds six shillings and eight-pence sterling, exclusive of interest and expences thereon, in virtue of letters of caption, act of warding, decree of a small debt court, or other warrant, . . . . .

Gaolers, &c. not to receive into their custody nor to apprehend any person for a debt not exceeding 8*l.* 6*s.* 8*d.*

III. AND be it enacted, that on application made to the sheriff of the county in which the prison shall be situated, or to the magistrates having charge of any prison, by any prisoner incarcerated therein, showing that he is imprisoned or detained in gaol for a civil debt or debts contrary to the provisions of this Act, such sheriff or magistrates shall cause intimation to be made to the incarcerating creditor or creditors, upon induciæ of six days after intimation; and on being satisfied that the statement of the prisoner is consistent with truth, such sheriff or magistrates shall without delay grant warrant for his liberation in so far as regards the debt due to such creditor.

Sheriff or magistrates shall direct the discharge of any person imprisoned for a less amount.

IV. AND be it enacted, that it shall not be lawful for any person to acquire from third parties, by assignation or otherwise, except by marriage or inheritance, one or more civil debts of or below the amount of eight pounds six shillings and eight-pence sterling, against any one individual, to the effect of accumulating such debts into one decree or warrant or writ, or of adding the same to debts previously due to him of or below the said amount, for the purpose of defeating this Act, by imprisoning the debtor for such accumulated debts.

Persons not to accumulate debts under sum before specified, except by marriage or inheritance.



Act not to  
affect obliga-  
tions ad facta  
præstanda or  
recovery of  
fines or  
forfeitures, &c.

V. AND be it enacted, that nothing in this Act contained shall affect obligations ad facta præstanda, or the right of his Majesty or his officers, or the fiscals of courts of law, or others, to imprison as formerly, or on account of taxes or penalties due to the revenue, or on account of any fines or forfeitures imposed or hereafter to be imposed by law, or apply to imprisonment for poor rates or local taxation, or to imprisonment for sums decerned for aliment.

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### CHAPTER LXXIII.

AN ACT to provide that Persons accused of Forgery in Scotland shall not be entitled to Bail, unless in certain Cases. [9th September 1835.]

2 & 3 Will. 4.  
c. 123.

**W**HEREAS by an Act passed in the second and third years of the reign of his present Majesty, intituled "An Act for abolishing the punishment of death in certain cases of forgery," the punishment of death was commuted for that of transportation for life in all cases of forgery therein mentioned: And whereas since the passing of the said Act persons accused of forgery, in consequence of their crime being no longer capital, in general apply for and are admitted to bail, but very frequently abscond and avoid standing their trial, whereby the ends of justice are defeated: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no person or persons committed for trial in Scotland for any forgery or other offence which, prior to the passing of the before-mentioned Act, was a capital offence, and the punishment of which is by the said Act limited to and declared to be transportation for life, shall be entitled to insist on liberation on bail; but without prejudice to the liberation of such person or persons as heretofore on such bail as the public prosecutor may agree to.

No person com-  
mitted for trial  
for an offence  
formerly  
capital shall  
be entitled  
to insist on  
liberation on  
bail.

High Court or  
Circuit Court of  
Justiciary may  
grant privilege  
of bail when  
consistent with  
the ends of  
justice.

II. PROVIDED always, and be it enacted, that it shall be in the power of the High Court or Circuit Court of Justiciary in Scotland respectively, on the application of any person or persons accused of any crime which by the before-mentioned Act is declared to be no longer punishable with death, to admit him or them to the privilege of bail, provided it shall appear to the court to which such application is made to be consistent with the ends of justice to do so; but the bail so to be taken shall be of such amount, greater or less than the maximum fixed by the statutes applicable to Scotland now in force for crimes that are bailable, as the said court shall, under the whole circumstances of the case, think necessary for insuring the appearance for trial of the person or persons accused; any law or practice to the contrary notwithstanding.

## CHAPTER LXXIV.

AN ACT for the more easy Recovery of Tithes.

[9th September 1835.]

WHEREAS an Act was passed in the seventh and eighth years of the reign of King William the Third, intituled "An Act for the more easy recovery of small tithes," whereby it was amongst other things enacted, that two or more of his Majesty's justices of the peace were authorized and required to hear and determine complaints touching small tithes, oblations, and compositions subtracted or withheld, not exceeding forty shillings: And whereas an Act was passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled "An Act for the better regulation of ecclesiastical courts in England, and for the more easy recovery of church rates and tithes," whereby the jurisdiction of the said justices was extended to all tithes, oblations, and compositions subtracted or withheld, where the same should not exceed ten pounds in amount from any one person: And whereas by an Act of the seventh and eighth years of the reign of King William the Third, chapter thirty-four, provision is made for the recovery of great and small tithes (not exceeding the amount of ten pounds) due from Quakers, by distress and sale, under the warrant of two justices: And whereas by an Act of the first year of the reign of King George the First, chapter six, the provisions of the said last-mentioned Act were extended, in the case of Quakers, to all tithes or rates, and customary rights, dues, and payments belonging to any church or chapel: And whereas by the said recited Act of the fifty-third year of the reign of King George the Third the aforesaid provisions in relation to Quakers were amended, and were also made applicable to any amount not exceeding fifty pounds: And whereas by an Act of the Parliament of Ireland of the seventh year of the reign of King George the Third, chapter twenty-one, amended and extended by an Act of the Parliament of the United Kingdom of the fifty-fourth year of the reign of King George the Third, chapter sixty-eight, similar provisions are in force in Ireland for the recovery, from Quakers, of great and small tithes, and customary and other rights, dues, and payments belonging to any church or chapel, not exceeding the amount of fifty pounds: And whereas it is highly expedient, and would further tend to prevent litigation, if, in the cases and with the exceptions herein-after mentioned, all claimants were restricted to the respective remedies provided by the said recited Acts: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no suit or other proceeding shall be had or instituted in any of his Majesty's courts in England now having cognizance of such matter for or in respect of any tithes, oblations, or compositions withheld, of or under the yearly value of ten pounds (save and except in the cases provided for in the two first-recited Acts); but that all complaints touching the same shall, except in the case of Quakers, be heard and determined only under the powers and provisions contained in the said two first-recited Acts of Parliament, in such and the same manner as if the same were herein set forth and re-enacted; and that no suit or other proceeding shall be had or instituted in any of his Majesty's courts either in England

7 & 8 Will. 3.  
c. 6.53 Geo. 3.  
c. 127.7 & 8 Will. 3.  
c. 34.1 Geo. 1.  
stat. 2. c. 6.7 Geo. 3. c. 21.  
(1.)

54 Geo. 3. c. 68.

Proceedings for  
the recovery of  
tithes under 10l.  
(except in the  
case of Quakers)  
shall be had  
only under the  
powers of the  
two first-recited  
Acts.

Proceedings  
for recovery

of tithes from  
Quakers.

Proviso as to  
cases where  
title is in ques-  
tion.

Manner of re-  
covering tithes  
due from  
Quakers.

or Ireland now having cognizance of such matter for or in respect of any great or small tithes, moduses, compositions, rates, or other ecclesiastical dues or demands whatsoever, of or under the value of fifty pounds, withheld by any Quaker either in England or Ireland; but that all complaints touching the same, if in England, shall be heard and determined only under the powers and provisions contained in the said recited Acts of the seventh and eighth years of King William the Third, chapter thirty-four, and the fifty-third year of King George the Third; and, if in Ireland, under the said recited Act of the Parliament of Ireland of the seventh year of King George the Third, and the said recited Act of the fifty-fourth year of King George the Third, in the same manner as if the same were herein set forth and re-enacted [¶]: Provided always, that nothing herein-before contained shall extend to any case in which the actual title to any tithe, oblation, composition, modus, due, or demand, or the rate of such composition or modus, or the actual liability or exemption of the property to or from any such tithe, oblation, composition, modus, due, or demand shall be bonâ fide in question, . . . . .

II. AND be it enacted, that in case any suit or other proceeding has been prosecuted or commenced, or shall hereafter be prosecuted or commenced, in any of his Majesty's courts in England or Ireland, for recovering any great or small tithes, modus or composition for tithes, rate or other ecclesiastical demand, subtracted, unpaid, or withheld by or due from any Quaker, no execution or decree or order shall issue or be made against the person or persons of the defendant or defendants, but the plaintiff or plaintiffs shall and may have his execution or decree against the goods or other property of the defendant or defendants; . . . . .

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[¶ The Act 54 Geo. 3. c. 68., which is rep., Stat. Law Rev. Act, 1873, except part of section 9 and sections 10, 12, and 14, contained the following enactment:—

Sect. 6. And whereas in the seventh year of the reign of his present Majesty King George the Third an Act was made and passed in Ireland, intituled “An Act to continue and amend an Act passed in the third year of his Majesty's reign, intituled “An Act to amend and explain an Act, made in the thirty-third year of the reign of “Henry the Eighth, intituled “An Act for tithes, and for other purposes therein “mentioned””; which Act of the seventh year of the reign of his present Majesty was at first temporary, but was afterwards from time to time continued by subsequent Acts of Parliament, and at length made perpetual by an Act passed in Ireland in the eleventh and twelfth years of the reign of his present Majesty, intituled “An Act for reviving “and continuing several temporary statutes that have lately expired, and for continuing “others that are near expiring”; by which said Act of the seventh year of the reign of his present Majesty, it is enacted, that where any Quaker shall refuse to pay, compound for, or set out his great or small tithes, or pay any customary or other rights or dues belonging to any church or chapel, which by law or custom ought to be paid, two or more of his Majesty's justices of the peace are authorized to hear and determine the same, not exceeding the value of ten pounds: And whereas it is become expedient to enlarge the said sum, be it enacted, that from and after the passing of this Act all the provisions of the said Act of the seventh year of his present Majesty, touching Quakers, shall be deemed and taken to extend to any value not exceeding fifty pounds: Provided always nevertheless, that from and after the passing of this Act one justice of the peace shall be competent to receive the original complaint, and to summon the parties to appear before two or more justices of the peace, as in the said Act is set forth.]

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## CHAPTER LXXV.

AN ACT for the Amendment of the Law as to the tithing of Turnips in certain Cases. [9th September 1835.]

**W**HEREAS it is frequently convenient and necessary, in the agistment of turnips by sheep or cattle, to sever the turnips from the ground, in order that they may be the more easily and completely consumed, and thereby to prevent waste, and it is not reasonable that such severance should vary or affect the payment of tithe: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, in all cases where turnips shall be severed in the manner and for the purpose aforesaid, and shall be eaten on the ground by sheep or cattle, and not otherwise removed, the same shall be subject to the payment of tithe in the same manner and to the same extent as if they had been eaten by such sheep or cattle without having been so severed as aforesaid, and no farther or otherwise.

Turnips severed from the land, if consumed on the same, subject to tithe as if not so severed.

## CHAPTER LXXVI.

AN ACT to provide for the Regulation of Municipal Corporations in England and Wales. [9th September 1835.]

**W**HEREAS divers bodies corporate at sundry times have been constituted within the cities, towns, and boroughs of England and Wales, to the intent that the same might for ever be and remain well and quietly governed; and it is expedient that the charters by which the said bodies corporate are constituted should be altered in the manner herein-after mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of all laws, statutes, and usages, and so much of all royal and other charters, grants, and letters patent now in force relating to the several boroughs named in the schedules (A.) and (B.) to this Act annexed, or to the inhabitants thereof, or to the several bodies or reputed bodies corporate named in the said schedules or any of them, as are inconsistent with or contrary to the provisions of this Act, shall be and the same are hereby repealed and annulled.

Repeal of laws, customs, and charters, &c. inconsistent with this Act.

II. AND whereas in divers cities, towns, and boroughs the common lands and public stock of such cities, towns, and boroughs, and the rents and profits thereof, have been held and applied for the particular benefit of the citizens, freemen, and burgesses of the said cities, towns, and boroughs respectively, or of certain of them, or of the widows or kindred of them or certain of them, and have not been applied to public purposes: Be it therefore enacted, that every person who now is or hereafter may be an inhabitant of any borough, and also every person who has been admitted or who might hereafter have been admitted a freeman or burgess of any borough if this Act had not been passed, or who now is or hereafter may be the wife or widow or son or daughter of any freeman or burgess, or who may have espoused or may hereafter espouse the daughter or widow of any freeman or burgess, or who has been or may hereafter be bound an apprentice, shall have and enjoy and be

Reservation of rights of property and beneficial exemptions to freemen, their wives and children, &c.

entitled to acquire and enjoy the same share and benefit of the lands, tenements, and hereditaments, and of the rents and profits thereof, and of the common lands and public stock of any borough or body corporate, and of any lands, tenements, and hereditaments, and any sum or sums of money, chattels, securities for money, or other personal estate, of which any person or any body corporate may be seised or possessed in whole or in part for any charitable uses or trusts, as fully and effectually, and for such time and in such manner, as he or she by any statute, charter, bye law, or custom in force at the time of passing this Act might or could have had, acquired, or enjoyed, in case this Act had not been passed : Provided always, that the total amount to be divided amongst the persons whose rights are herein reserved in this behalf shall not exceed the surplus which shall remain after payment of the interest of all lawful debts chargeable upon the real or personal estate out of which the sums so to be divided have arisen, together with the salaries of municipal officers, and all other lawful expences which, on the fifth day of June, were defrayed out of or chargeable upon the same : Provided also, that nothing herein-before contained shall be construed to apply to any claim, right, or title of any burgesses or freemen, or of any person, to any discharge or exemption from any tolls or dues levied wholly or in part by or to the use or benefit of any borough or body corporate ; and that after the passing of this Act no person shall have or be entitled to claim thenceforward any discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any body corporate, except as herein-after is excepted : Provided nevertheless, that every person who on the fifth day of June in this present year was an inhabitant or was or was entitled to be admitted a freeman or burgess of any borough, or who on the said fifth day of June was the wife or widow, son or daughter of any freeman or burgess of any borough, or who on the said fifth day of June was bound an apprentice, shall be entitled to have or acquire and enjoy the same discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any borough or body corporate, as fully and for such time and in such sort as he or she, by any statute, charter, bye law, or custom in force on the said fifth day of June, might or would have had, acquired, and enjoyed the same, if this Act had not been passed, and no further or otherwise : Provided also, that where, by any statute, charter, bye law, or custom in force within any borough at the time of passing this Act, any person whose rights in this behalf are herein reserved would have been liable, in case this Act had not been passed, to pay any fine, fee, or sum of money to any body corporate, or to any member, officer, or servant of any body corporate, in consideration of his freedom, or of his or her title to such rights as are herein reserved, no such person shall be entitled to have or claim any share or benefit in respect of the rights herein reserved as aforesaid until he or she shall have paid the full amount of such fine, fee, or sum of money to the treasurer of such borough appointed under the provisions of this Act, on account of the borough fund herein-after mentioned : Provided also, that nothing in this Act contained shall be construed to entitle any person to any share or benefit of the rights herein reserved, who shall not have first fulfilled every condition which, if this Act had not passed, would have been a condition precedent to his or her being entitled to the benefit of such rights, so far as the same is capable of being fulfilled according to the

provisions of this Act, or to strengthen, confirm, or affect any claim, right, or title of any burgesses or freemen of any borough or body corporate, or of any person, to the benefit of any such rights as are herein-before reserved, but the same in every case may be brought in question, impeached, and set aside in like manner as if this Act had not been passed.

III. PROVIDED always, and be it enacted, that from and after the passing of this Act no person shall be elected, made, or admitted a burgess or freeman of any borough by gift or purchase.

No freedom to be acquired by gift or purchase.

IV. AND whereas the right of voting in the election of members to serve in Parliament was by an Act passed in the second year of the reign of his present Majesty, intituled "An Act to amend the representation of the people of England and Wales," preserved to all persons who then were or thereafter might become freemen or burgesses of any city or borough, subject to the conditions and provisions in that Act contained: Be it therefore enacted, that every person who if this Act had not been passed would have enjoyed, as a burgess or freeman, or might hereafter have acquired, in respect of birth or servitude, as a burgess or freeman, the right of voting in the election of a member or members to serve in Parliament for any city or borough, shall be entitled to enjoy or acquire such right of voting as fully as if this Act had not been passed; and the town clerk of every city or borough returning a member or members to Parliament shall at all times hereafter do and perform all things appertaining to the due registration of the freemen or burgesses of such city or borough according to the provisions of the said Act.

2 & 3 Will. 4.  
c. 45.

Reservation of the Parliamentary franchise to freemen.

V. AND be it enacted, that the town clerk of every borough shall on or before the first day of December next make out a list, to be called "The Freemen's Roll," of all persons who at the time of the passing of this Act shall have been admitted as burgesses or freemen of such borough; and that whenever any person shall hereafter become entitled to be admitted a burgess or freeman for the purposes aforesaid of such borough in respect of birth, servitude, or marriage, and shall claim to be admitted accordingly, the mayor of such borough shall examine into such claim, and upon such claim being established every such person shall thereupon be admitted and enrolled by the town clerk of such borough upon the freemen's roll; and the town clerk shall keep a true copy of such roll, to be perused by any person without payment of any fee at all reasonable times, and shall deliver a copy thereof to any person requiring the same, on payment of a reasonable price for such copy.

Freemen's roll to be made out and kept by the town clerk.

VI. AND be it enacted, that after the first election of councillors under this Act in any borough the body or reputed body corporate named in the said schedules in connexion with such borough shall take and bear the name of the mayor, aldermen, and burgesses of such borough, and by that name shall have perpetual succession, and shall be capable in law, by the council hereinafter mentioned of such borough, to do and suffer all acts which now lawfully they and their successors respectively may do and suffer by any name or title of incorporation; and the mayor of each of the said boroughs shall be capable in law to do and suffer all acts which the chief officer of such borough may now lawfully do and suffer, so far as the same respectively are not altered or annulled by the provisions of this Act.

Corporations to be styled mayor, aldermen, and burgesses, &c.

Boundaries of certain boroughs to be those settled by 2 & 3 Will. 4. c. 64.

Boundaries of other boroughs to remain as at present until altered by Parliament.

Every place included within the bounds of a borough to be part of such borough.

Parts cut off from a borough by this Act shall be part of adjoining county.

VII. AND be it enacted, that after the passing of this Act the metes and bounds of the several boroughs named in the first section of the said schedules (A.) and (B.) for the purposes of this Act shall be the same as the limits thereof respectively settled and described in an Act passed in the second and third year of the reign of his present Majesty, intituled "An Act to settle" and describe the divisions of counties and the limits of cities and boroughs "in England and Wales, so far as respects the election of members to serve in "Parliament"; and the metes and bounds of the several boroughs named in the second section of the said schedules for the purposes of this Act shall be and remain as the same are now taken to be until such time as Parliament shall otherwise direct: Provided nevertheless, that notwithstanding any thing herein contained no parish or place, or part of any parish or place, which is detached from the main part of such borough or county of a city or town corporate, shall after the passing of this Act be included within any such borough or county; . . . . .

VIII. AND be it enacted, that every place and precinct which shall be included within the metes and bounds of any borough as herein-before provided, and none other, shall be part of such borough, and in those boroughs which are counties of themselves shall be part of such county and of none other; and in every case in which the metes and bounds of any borough or county under the provisions of this Act shall not include any place or precinct which before the passing of this Act was part of such borough or county, such place or precinct shall thenceforward be taken to be part of the county wherein such place or precinct is situated, or with which it has the longest common boundary: Provided nevertheless, that if any such place or precinct shall have been liable before the passing of this Act to contribute to any rate made for the purpose of satisfying any lawful debt to which the rate-payers of such borough or county were liable to contribute before the passing of this Act, and in case any difference shall arise concerning the proportion of such debt as ought therefore to be paid and contributed in respect of such place or precinct, it shall be lawful for the senior justice of assize for the county of which such place or precinct shall thenceforward be taken to be part, on his circuit, on the application of the council of such borough, or of the chairman of a public meeting of the rate-payers of such place or precinct, to appoint, by writing under his hand, a barrister not having any interest in the question to arbitrate between the parties, and by his award under his hand and seal to assess the proportion, if any, of such debt as ought therefore to be paid and contributed in respect of such place or precinct; and such arbitrator shall also assess the costs of the arbitration, and shall direct by whom, and in what proportion, and out of what fund, the same shall be paid; and such rate as aforesaid shall continue to be levied by warrant of the council of such borough, and paid by such place or precinct, as if this Act had not passed, until such proportion shall have been fully paid and satisfied to the treasurer of the borough, and no longer: Provided nevertheless, that every county gaol, house of correction, or lunatic asylum, court of justice, or judge's lodging, which at the time of the passing of this Act is taken to be for any purpose within any county, shall still, for all such purposes, be taken to be within such county, any thing herein contained to the contrary notwithstanding.

IX. AND be it enacted, that every male person of full age who on the last day of August in any year shall have occupied any house, warehouse, counting-house, or shop within any borough during that year and the whole of each of the two preceding years, and also during the time of such occupation shall have been an inhabitant householder within the said borough, or within seven miles of the said borough, shall, if duly enrolled in that year according to the provisions herein-after contained, be a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough: Provided always, that no such person shall be so enrolled in any year, unless he shall have been rated in respect of such premises so occupied by him within the borough to all rates made for the relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and unless he shall have paid on or before the last day of August as aforesaid all such rates, including therein all borough rates, if any, directed to be paid under the provisions of this Act, as shall have become payable by him in respect of the said premises, except such as shall become payable within six calendar months next before the said last day of August: Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or in different parishes: Provided also, that no person being an alien shall be so enrolled in any year, and that no person shall be so enrolled in any year who within twelve calendar months next before the said last day of August shall have received parochial relief or other alms, or any pension or charitable allowance from any fund intrusted to the charitable trustees of such borough herein-after mentioned: Provided that in every case provided in this Act the distance of seven miles shall be computed by the nearest public road or way by land or water. [Rep., 32 & 33 Vict. c. 55. s. 1.]

Qualification  
of burgesses.

Aliens and  
persons who  
have received  
parochial relief  
or other alms  
not to be en-  
rolled as  
burgesses.

X. AND be it enacted, that no medical or surgical assistance given by the charitable trustees of any borough shall be taken to be such charitable allowance as shall disqualify any person from being enrolled a burgess as aforesaid; nor shall any person be so disqualified by reason that any child of such person shall have been admitted and taught within any public or endowed school.

Medical assis-  
tance or in-  
struction of  
child in public,  
&c. school not  
to disqualify.

XI. AND be it enacted, that in every borough it shall be lawful for any person occupying any house, warehouse, counting-house, or shop to claim to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof; and upon such occupier so claiming, and actually paying or tendering the full amount of the last made rate then payable in respect of such premises, the overseers of the parish in which such premises are situate are hereby required to put the name of such occupier upon the rate for the time being; and in case such overseer shall neglect or refuse so to do, such occupier shall nevertheless, for the purposes of this Act, be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: [Provided always, that where by virtue of any Act of Parliament the landlord shall be liable to the payment of the rate for the relief of the poor in respect of any premises occupied by his tenant, nothing herein contained shall be deemed to vary or discharge the liability of such landlord; but in case the tenant who shall have been rated for such premises in consequence of any such claim as aforesaid shall make default in the payment of the poor's rate payable in respect thereof, such landlord shall be and remain liable for the payment thereof, in the same manner as if he alone had been rated in respect of the premises so occupied by his tenant.\*]

Occupiers may  
claim to be  
rated.

\* The part of section 11 enclosed in brackets, which was inadvertently repealed by the Stat. Law Rev. Act, 1874, is printed in anticipation of its being revived.]



How occupation, &c. is to be reckoned in case of titles by descent, &c.

XII. AND be it enacted, that where any house, warehouse, counting-house, or shop in any borough shall come to any person by descent, marriage, marriage settlement, devise, or promotion to any benefice or office, such person shall be entitled to reckon the occupancy and rating, in respect of the occupancy thereof by the person from or by whom such house, warehouse, counting-house, or shop shall have so come to him, as his own occupancy and rating conjointly with the time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a burgess in respect of such successive occupancy and rating, provided he shall be otherwise qualified as herein provided.

No new burgesses to be enrolled who are not qualified under this Act.

XIII. AND be it enacted, that after the passing of this Act no person shall be enrolled a burgess of any borough, for the purpose of enjoying the rights conferred for the first time by this Act, in respect of any title other than by occupancy and payment of rates within such borough, according to the meaning and provisions of this Act.

Exclusive rights of trading abolished.

XIV. AND whereas in divers cities, towns, and boroughs a certain custom hath prevailed, and certain bye laws have been made, that no person, not being free of a city, town, or borough, or of certain guilds, mysteries, or trading companies within the same, or some or one of them, shall keep any shop or place for putting to show or sale any or certain wares or merchandize by way of retail or otherwise, or use any or certain trades, occupations, mysteries, or handicrafts for hire, gain, or sale within the same: Be it enacted, that, notwithstanding any such custom or bye law, every person in any borough may keep any shop for the sale of all lawful wares and merchandizes by wholesale or retail, and use every lawful trade, occupation, mystery, and handicraft, for hire, gain, sale, or otherwise, within any borough.

Overseers to make lists of all persons entitled to be burgesses in their respective parishes, and deliver such lists to the town clerk, &c.

XV. AND be it enacted, that on the fifth day of September in every year the overseers of the poor of every parish wholly or in part within any borough shall make out an alphabetical list, to be called "The Burgess List," according to the form number 1. in the schedule (D.) to this Act annexed, of all persons who shall be entitled to be enrolled in the burgess roll of that year, according to the provisions of this Act, in respect of property within such parish; and the overseers shall sign such burgess lists, and shall deliver the same to the town clerk of the borough on the said fifth day of September in every year, and shall keep a true copy of such lists, to be perused by any person, without payment of any fee, at all reasonable hours between the fifth and fifteenth days of September in every year; and the town clerk shall forthwith cause copies to be printed of all overseers lists delivered to him, and shall deliver a copy of all such lists to any person requiring the same, on payment of a reasonable price for each copy, and shall cause a copy of all such lists to be fixed on or near the outer door of the town hall, or in some public and conspicuous situation within the borough, on every day during the week next preceding the fifteenth day of September in every year.

Proviso as to boroughs in which there is no town clerk;

XVI. PROVIDED always, and be it enacted, that in any borough in which there shall be no town clerk, or in which the town clerk shall be dead or incapable of acting, all matters by this Act required to be done by and with regard to the town clerk shall be done by and with regard to the person executing duties in such borough similar to those of town clerk, and if there be no such person, or if such person shall be dead or incapable of acting,

then by and with regard to such fit person as the mayor of such borough shall appoint in that behalf: Provided always, that every precinct or place, whether extra-parochial or otherwise, which shall have no overseers, shall, for the purpose of making out such lists as aforesaid, be deemed within the parish adjoining thereto, such parish being wholly or in part situate within the same borough as such precinct or place; and if such precinct or place shall adjoin two or more parishes so situate as aforesaid, it shall be deemed to be within the least populous of such parishes according to the last census for the time being; and the overseers of the poor of every such parish shall insert in the list for their parish the names of all persons who would have been entitled to be inserted in the lists for such precinct or place, if such precinct or place had had overseers or been rated to the maintenance of the poor.

and as to precincts, &c. where there are no overseers.

XVII. AND be it enacted, that every person whose name shall have been omitted in any such burgess list and who shall claim to have his name inserted therein, shall, on or before the fifteenth day of September in every year, give notice thereof to the town clerk in writing, according to the form number 2. in the said schedule (D.) or to the like effect; and every person whose name shall have been inserted in any burgess list for any borough may object to any other person as not being entitled to have his name retained in the burgess list for the same borough; and every person so objecting shall, on or before the fifteenth day of September in every year, give to the town clerk of such borough, and also give to the person objected to, or leave at the premises for which he shall appear to be rated in the burgess list, notice thereof in writing according to the form number 3. in the said schedule (D.) or to the like effect; and every town clerk shall include the names of all persons so claiming to be inserted on the burgess list in a list according to the form number 8. in the said schedule (D.), and shall include the names of all persons so objected to as not entitled to be retained on the burgess list in a list according to the form number 5. in the said schedule (D.), and shall cause copies of such several lists to be fixed on or near the outer door of the town hall or in some public and conspicuous situation within such borough during the eight days next preceding the first day of October in every year; and the town clerk shall likewise keep a copy of the names of all persons so claiming as aforesaid, and also a copy of the names of all persons so objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the eight days, Sunday excepted, next preceding the first day of October in every year, and shall deliver a copy of each of such lists to any person requiring the same, on payment of a sum not exceeding one shilling for each copy.

Persons omitted from the burgess lists to give notice of claims to the town clerk.

Objections to persons as not entitled to be retained in the lists.

Lists of claimants, and of persons objected to, to be published, &c.

XVIII. AND be it enacted, that the mayor and the two assessors herein-after mentioned, to be chosen in every year by the burgesses of every borough, shall hold an open court within such borough, for the purpose of revising the said burgess lists at some time between the first day of October inclusive and the fifteenth day of October inclusive in the year one thousand eight hundred and thirty-six, and every succeeding year, having first given three clear days notice of the holding of such court, to be fixed on or near the outer door of the town hall or in some public and conspicuous situation within the borough; and the town clerk of every such borough shall, at the opening of the court, produce the said lists, and a copy of the lists of the persons claiming

Mayor and assessors to hold a court for revising lists, and, upon due proof, to insert and expunge names.

and of the persons objected to, so made out as aforesaid; and the overseers, vestry clerks, and collectors of poor's rates of every parish wholly or in part within every such borough shall attend the court, and shall answer upon oath all such questions as the court may put to them or any of them touching any matter necessary for revising the burgess lists; and the mayor shall insert in such lists the name of every person who shall be proved, to the satisfaction of the court, to be entitled to be inserted therein, according to the provisions of this Act, and shall retain on the said list the names of all persons to whom no objection shall have been duly made, and shall also retain on the said lists the name of every person who shall have been objected to by any person, unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection; and where the name of any person inserted in any one of the said lists shall have been duly objected to, and the person objecting shall appear by himself or by some one on his behalf in support of such objection, the court shall require proof of the qualification of the person so objected to; and in case the qualification of such person shall not be proved to the satisfaction of the court, the mayor shall expunge the name of every such person from the said lists, and he shall also expunge from the said lists the name of every person who shall be proved to the court to be dead, and shall correct any mistake or supply any omission which shall be proved to the court to have been made in any of the said lists in respect of the name or place of abode of any person who shall be included in any such list, or in respect of the local description of his property: Provided always, that no person's name shall be inserted by the mayor in any such list, or shall be expunged therefrom, except in the case of death, unless notice shall have been given as is herein-before required in each of the said cases.

Mayor may adjourn court, require production of rate books, and administer oaths.

XIX. AND be it enacted, that every mayor holding any court under this Act for the revision of the said lists shall have power to adjourn the same from time to time, so that no such adjourned court shall be held after the fifteenth day of October in any year, and shall have power to require any overseer, or person having the custody of any book containing any rate made for the relief of the poor during that or any preceding year, in any parish wholly or in part within the borough, to produce the same and allow the same to be inspected at any court to be held for revision of the burgess lists, and shall have power to administer an oath to the town clerk and to the overseers, and to all persons claiming to be inserted in or making objection to the omission or insertion of any name in any of the said lists, and to all persons objected to in any of such lists, and to all persons claiming to have any mistake in any of such lists corrected, and to all witnesses who may be tendered or examined on either side; and the mayor and assessors shall, upon the hearing in open court, determine upon the validity of such claims and objections; and the mayor shall, in open court, write his initials against the names respectively struck out or inserted, and against any part of the said lists in which any mistakes shall have been corrected, and shall sign his name to every page of the several lists so settled.

Mayor, &c. shall determine claims, &c., and sign the lists in open court.

Barristers to be appointed to revise lists in the first year.

XX. AND be it enacted, that the senior judge, or in case of his absence from the kingdom the next judge, in the commission of assize for the summer circuit in this year for every county, shall, before the last day of September in this year, appoint so many barristers as the said judge shall deem necessary to

revise the lists of burgesses of every borough in or adjoining to such county ; and the town and county of the town of Kingston-upon-Hull shall for this purpose be considered as next adjoining to the county of York, and the town of Berwick-upon-Tweed and town and county of the town of Newcastle-upon-Tyne as next adjoining to the county of Northumberland, and the city and county of the city of Bristol as next adjoining to the county of Somerset ; and the said judge shall have power to appoint one or more barristers to revise the lists for the same borough, and the same barrister to revise the lists of more than one borough ; and the barrister so appointed to any borough shall for that purpose, during this year, be in the place and stead of the mayor and assessors of such borough, and shall revise the lists of burgesses in this year in the manner herein-before enacted concerning the mayor and assessors in every succeeding year ; and if it shall be made to appear to the said judge that for any cause such lists cannot be revised within the period directed by this Act, it shall be lawful for such judge, and he is hereby required, to appoint one or more barristers to act in the place of or in addition to those originally appointed ; and every such barrister so subsequently appointed shall have the same power as if originally appointed ; and every barrister appointed to revise any lists under this Act shall be paid at the rate of five guineas for every day that he shall be so employed over and above his travelling and other expences ; and every such barrister, after the termination of his last sitting, shall lay or cause to be laid before the lords commissioners of his Majesty's Treasury for the time being a statement of the number of days during which he shall have been so employed in each borough, and an account of the travelling and other expences incurred by him in respect of such employment ; and the said lords commissioners shall make an order for the amount to be paid to such barrister out of the consolidated fund : Provided nevertheless, that as soon as a council shall be chosen in any borough under the provisions of this Act the said lords commissioners shall make an order on the council of such borough for the amount of daily salary herein-before enacted to be paid to such barrister during the time that he shall have been employed in revising the lists of such borough ; and the council of such borough shall forthwith cause the same to be repaid to the said lords commissioners out of the borough fund of such borough ; and the same, if not paid, shall be deemed to be a debt due to his Majesty, and recoverable as such.

XXI. AND be it enacted, that every person authorized by law to make an affirmation instead of taking an oath shall make such affirmation in every case in which by this Act an oath is required to be taken ; and if any person taking any oath required by this Act, or making any affirmation instead of taking such oath, shall wilfully swear or affirm falsely, such person shall be deemed guilty of perjury, and shall be punished accordingly.

Affirmation may be substituted for oath.

Punishment for false oaths and affirmations.

XXII. AND be it enacted, that the burgess lists so revised and signed as last aforesaid, shall be delivered by the mayor to the town clerk of such borough, who shall keep the same, and shall cause the said burgess lists to be fairly and truly copied into one general alphabetical list in a book to be by him provided for that purpose, with every name therein numbered, beginning the numbers from the first name, and continuing them in a regular series to the last name, and shall cause such books to be completed on or before the twenty-second day of October in every year, and shall deliver such books, together with the

Revised borough lists to be kept by the town clerk, and copied into a book, with the names numbered.

Such book to be the roll of burgesses entitled to vote.

No stamp duty on enrolment of burgesses.

Copies of the burgess roll to be printed for sale.

Expences of overseers to be defrayed out of the borough fund.

Mayor, aldermen, and councillors to be chosen in every borough, who together shall constitute the council of the borough.

One half of the aldermen to go out of office every third year.

lists, at the expiration of his office, to the person succeeding him in such office; and every such book in which the said burgess lists shall have been copied shall be the burgess roll of the burgesses of such borough entitled to vote, after the passing of this Act, in the choice of the councillors, assessors, and auditors of such borough, as herein-after mentioned, at any election which may take place in such borough between the first day of November inclusive in the year wherein such burgess roll shall have been made and the first day of November in the succeeding year; provided that no stamp duty shall be payable in respect of the admission, registry, or enrolment of any burgess, according to the provisions of this Act.

XXIII. AND be it enacted, that the town clerk of every borough shall cause to be written or printed copies of the burgess roll in every year, and shall deliver such copies to all persons applying for the same, on payment of a reasonable price for each copy; and the monies arising from the sale thereof, and of the overseers lists, and of the lists of claims and objections as aforesaid, shall be paid over to the treasurer of such borough, and shall be applied by him in aid of the borough fund herein-after mentioned.

XXIV. AND be it enacted, that the said council of every borough shall take an account of the reasonable expences incurred by the overseers of the poor in carrying into effect the several provisions of this Act so far as relates to the said lists, and shall order the treasurer of the said borough to pay the same out of the borough fund of the said borough.

XXV. AND be it enacted, that in every borough shall be elected, at the time and in the manner herein-after mentioned, one fit person, who shall be and be called "the mayor" of such borough; and a certain number of fit persons who shall be and be called "aldermen" of such borough; and a certain number of other fit persons, who shall be and be called "the councillors" of such borough; and such mayor, aldermen, and councillors for the time being shall be and be called "the council" of such borough; and the number of persons so to be elected councillors of such borough shall be the number of persons in that behalf mentioned in conjunction with the name of such borough in the schedules (A.) and (B.) to this Act annexed; and the number of persons so to be elected aldermen shall be one third of the number of persons so to be elected councillors; and on the ninth day of November in this present year the councillors first to be elected under the provisions of this Act, and on the ninth day of November in the year one thousand eight hundred and thirty-eight, and in every third succeeding year, the council for the time being of every borough, shall elect from the councillors, or from the persons qualified to be councillors, the aldermen of such borough, or so many as shall be needed to supply the places of those who shall then go out of office according to the provisions herein-after contained; and that upon the ninth day of November in the year one thousand eight hundred and thirty-eight, and in every third succeeding year, one half of the number appointed as aforesaid to be the whole number of the aldermen of every borough shall go out of office; and the councillors immediately after the first election of aldermen shall appoint who shall be the aldermen who shall go out of office in the year one thousand eight hundred and thirty-eight, and thereafter those who shall go out of office shall always be those who have been aldermen for the longest time without re-election: Provided always, that any aldermen so going out of office may

be forthwith re-elected, if then qualified as herein provided ; provided also, that the aldermen so going out of office shall not be entitled to vote in the election of a new alderman.

XXVI. AND be it enacted, that the mayor and aldermen shall, during their respective offices, continue to be members of the council of the borough, notwithstanding any thing herein-after contained as to councillors going out of office at the end of three years.

Mayor and aldermen to continue to be members of the council during office.

XXVII. AND be it enacted, that whenever any extraordinary vacancy shall take place in the office of alderman of any borough, the council of such borough shall, within ten days after such vacancy shall occur, on a day to be fixed by the mayor for such purpose, elect some other fit person to fill such vacancy, either from the councillors or from the persons qualified to be councillors ; and in case any councillor shall be elected to fill the office of alderman, then the vacancy which will thereby be occasioned in the council shall be filled up at the time and in the manner herein-after directed ; and every person so elected an alderman to fill an extraordinary vacancy shall hold such office until the time when the person in the room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but may be re-elected if then qualified as herein provided.

Provision for extraordinary vacancies in the office of alderman.

XXVIII. AND be it enacted, that no person being in holy orders, or being the regular minister of any dissenting congregation, shall be qualified to be elected or to be a councillor of any such borough or an alderman of any such borough, nor shall any person be qualified to be elected or to be a councillor or an alderman of any such borough who shall not be entitled to be on the burgess list of such borough, nor unless he shall be seised or possessed of real or personal estate or both to the following amount, that is to say, in all boroughs directed by this Act to be divided into four or more wards to the amount of one thousand pounds, or be rated to the relief of the poor of such borough upon the annual value of not less than thirty pounds, and in all boroughs directed to be divided into less than four wards, or which shall not be divided into wards, to the amount of five hundred pounds, or be rated to the relief of the poor in such borough upon the annual value of not less than fifteen pounds, or during such time as he shall hold any office or place of profit, other than that of mayor, in the gift or disposal of the council of such borough, or during such time as he shall have directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of such council ; provided that no person shall be disqualified from being a councillor or alderman of any borough as aforesaid by reason of his being a proprietor or shareholder of any company which shall contract with the council of such borough for lighting or supplying with water or insuring against fire any part of such borough.

Qualifications for the office of councillor or alderman.

XXIX. AND be it enacted, that every burgess of any borough, who shall be enrolled on the burgess roll for the time being of such borough, shall be entitled to vote in the election of councillors and of the auditors and assessors herein-after mentioned for such borough ; and no person who shall not be enrolled in such burgess roll for the time being shall have any voice or be entitled to vote in any such election.

All burgesses entitled to vote in the election of councillors, &c.

XXX. AND be it enacted, that upon the first day of November in every year the burgesses so enrolled in every borough shall openly assemble and [Rep.,

Councillors to be chosen on the 1st Nov. in every year.

Proviso where  
any appointed  
day happens  
on a Sunday.

One third of  
the councillors  
to go out of  
office annually.

Mode and time  
of election of  
councillors.

Polling booths  
at borough  
elections.

35 & 36 Vict. c. 33. s. 32. (temp.)] elect from the persons qualified to be councillors the councillors of such borough, or such part of them as shall be needed to supply the places of those who shall then go out of office; Provided nevertheless, that whenever any day by this Act appointed for any purpose shall in any year happen on a Sunday, in every such case the business so appointed to be done shall take place on the Monday following.

XXXI. AND be it enacted, that upon the first day of November one thousand eight hundred and thirty-six, and in every succeeding year, one third part of the number appointed as aforesaid to be the whole number of the councillors of every borough shall go out of office; and in the said year one thousand eight hundred and thirty-six those who shall go out of office shall be the councillors who were elected under the provisions of this Act by the smallest numbers of votes in this present year; and in the next year, one thousand eight hundred and thirty-seven, those who shall so go out of office shall be the councillors who were elected under the provisions of this Act by the next smallest numbers of votes in this present year; the majority of the whole council always determining, when the votes for any such persons shall have been equal, who shall be the persons so to go out of office; and thereafter those who shall so go out of office shall always be the councillors who have been for the longest time in office without re-election: Provided always, that any councillor so going out of office shall be capable of being forthwith re-elected, if then qualified as herein provided.

[XXXII.\*] AND be it enacted, that every election of councillors within any borough according to the provisions of this Act shall be held before the mayor and assessors for the time being of such borough, except as herein is excepted; and the voting at every such election shall commence at nine o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, and shall be conducted in manner following; that is to say, every burgess entitled to vote in the election of councillors may vote for any number of persons not exceeding the number of councillors then to be chosen, by delivering to the mayor and assessors or other presiding officer as herein-after mentioned a voting paper, containing the christian names and surnames of the persons for whom he votes, with their respective places of abode and descriptions, such paper being previously signed with the name of the burgess voting, and with the name of the street, lane, or other place in which the property for which he appears to be rated on the burgess roll is situated. [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

XXXIII. AND be it enacted, that at every election in any borough the mayor, if it shall appear to him expedient for taking the poll at such election, may cause booths to be erected, or rooms to be hired and used as such booths, for different parts of such borough, which may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to the mayor shall seem most convenient; and the mayor shall appoint a clerk to take the poll at each compartment, and [Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)] shall cause to be affixed on the most conspicuous part of each of the said booths the names of the parts for which such booth is respectively allotted; and no person shall be admitted to vote at any such election except at the booth allotted for the part wherein the house, warehouse, counting-house, or shop occupied by

[\* So much of section 32 as relates to assessors, rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

him as described in the burgess roll may be; but in case no booth shall happen to be provided for any particular part as aforesaid, the votes of the persons voting in respect of property situate in any part so omitted may be taken at any of the said booths; and public notice of the situation, division, and allotments of the different booths shall be given two days before the commencement of the poll by the mayor; . . . : Provided also, that no election shall be holden under this Act in any borough in any church, chapel, or other place of public worship.

XXXIV. AND be it enacted, that no inquiry shall be permitted at any election as to the right of any person to vote as a burgess in any borough, except only as follows; (that is to say,) that the mayor or other presiding officer shall, if required by any two burgesses entitled to vote in the same borough, put to any voter at the time of his delivering in his voting paper, and not afterwards, the following questions, or any of them, and no other:

No inquiry to be made of the voter except as to his identity, and whether he has voted before at the same election.

- . . . . .
2. Are you the person whose name appears as A. B. on the burgess roll now in force for this borough, being registered therein as rated for property described to be situated in . . . ? [Here specify the street, &c., as described in the burgess roll.]

3. Have you already voted at the present election?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same; and if any person shall wilfully make a false answer to any of the questions aforesaid he shall be deemed guilty of a misdemeanor, and may be indicted and punished accordingly.

Punishment for false answer.

[XXXV.] AND be it enacted, that the mayor and assessors shall examine the voting papers so delivered as aforesaid, for the purpose of ascertaining which of the several persons voted for are elected; and so many of such persons, being equal to the number of persons then to be chosen, as shall have the greatest number of votes, shall be deemed to be elected; and in case of an equality in the number of votes for any two or more persons, the mayor and assessors, or any two of them, shall name from amongst those persons for whom the number of votes shall be equal so many as shall be necessary to complete the requisite number of persons to be chosen; . . . . .

Mode of ascertaining result of election.

XXXVI. AND be it enacted, that if the mayor of any borough shall, at the time when it shall be necessary to execute the powers and duties herein provided with respect to elections, be dead, absent, or otherwise incapable of acting, the council of such borough shall forthwith elect one of the aldermen to execute all such powers and duties in the place of the mayor; provided that in the first election of councillors and of auditors and assessors, as herein-after provided, the mayor alone shall act with all the powers and duties herein-before enacted concerning the mayor and assessors jointly in such elections.

In case of the death, &c. of the mayor, an alderman shall be chosen to execute his duties as to the election.

XXXVII. AND be it enacted, that on the first day of March in the year one thousand eight hundred and thirty-six, and in every succeeding year, the burgesses of every borough shall elect from the persons qualified to be councillors

Elections of auditors and assessors.

[\* So much of section 35 as relates to assessors, rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]



by a majority of votes, two burgesses, who shall be and be called auditors of such borough, and two burgesses, who shall be and be called assessors of such borough; and every such auditor and assessor shall continue in office until the first day of March in the year following his election; and the election of such auditors and assessors respectively shall be in form and manner herein-before provided for the election of councillors: Provided nevertheless, that in every such election of auditors or assessors no burgess shall vote for more than one person to be an auditor or assessor: Provided also, that no burgess shall be eligible to be or be elected such auditor or assessor as aforesaid, who shall be of the council, or the town clerk or treasurer of such borough.

\* \* \* \* \*

Division of certain boroughs into wards by the barristers appointed to revise the lists, subject to approval of his Majesty.

XXXIX. AND whereas it is expedient that certain boroughs of large population should be divided into wards before any election of councillors for such boroughs should take place: Be it therefore enacted, that every borough in the said schedule.(A.) shall be divided into the number of wards mentioned in such schedule in conjunction with the name of such borough; and that it shall be lawful for the barrister or barristers appointed in pursuance of the provisions herein-before contained to revise the burgess and councillors lists of any borough in the present year, and he or they is and are hereby required, within the space of six weeks next after the passing of this Act, to determine and set out the extent, limits, and boundary lines of such wards, and what portions of such borough shall be included therein respectively; and the copy of the particulars of such division shall be forthwith transmitted to one of his Majesty's principal secretaries of state, and, if his Majesty by advice of his privy council shall approve such determination, shall be published in the London Gazette; and another copy of such particulars shall be delivered to the town clerk of such borough, to be by him safely kept among the public documents of such borough; and every such borough shall, after such publication as aforesaid, be deemed to be divided into such wards as shall be so determined and set out as aforesaid, and such division shall continue and be in force until the same shall be altered by authority of Parliament: Provided always, that if his Majesty, by advice of his privy council, shall not approve such determination, such publication as aforesaid shall nevertheless be made, and such division be in force for the purpose of any election under the provisions of this Act, and until such time as his Majesty shall by advice of his privy council, upon further information and report from such barristers, definitively approve the division of such borough into wards in manner herein-before mentioned.

Number of councillors for each ward to be assigned by the barristers according to certain rules, subject to approval of his Majesty.

XL. AND be it enacted, that the said barrister or barristers shall, after the division of the borough into such number of wards as is directed by this Act, apportion among the several wards of such borough the number of councillors mentioned in conjunction with the name of such borough in the said schedule (A.); and in assigning the number of councillors to each ward the said barrister or barristers shall, as far as in his or their judgment he or they may deem it to be practicable, have regard as well to the number of persons rated to the relief of the poor in such ward as to the aggregate amount of the sums at which all the said persons shall be so rated: Provided always, that the number of councillors assigned to each ward shall be a number divisible by three; and a copy of the particulars of the number of councillors so assigned

to the several wards of the borough shall be forthwith transmitted to one of his Majesty's principal secretaries of state, and, subject as aforesaid to the approval of his Majesty by the advice of his privy council, shall be published in the London Gazette; and another copy of such particulars shall be delivered to the town clerk of the borough, to be by him safely kept among the public documents of such borough; and the number of councillors so assigned to each ward of such borough shall, after such publication as aforesaid, be the number to be elected in such ward, and shall so continue until the same shall be altered by authority of Parliament: Provided always, that if his Majesty, by the advice of his privy council, shall not approve the number of councillors so assigned to each ward, such publication shall nevertheless be made, and the number of councillors so assigned to each ward of such borough by such barrister shall be the number to be elected in such ward at any election of councillors under this Act until such time as his Majesty shall by advice of his privy council, upon further information and report from such barrister, definitively approve such assignment in manner herein-before mentioned.

XLII. AND whereas it may be convenient in divers boroughs to adhere in the division of the same into wards to the ancient division thereof into parishes or into districts under any local Act, or to adapt such division to local circumstances, and such division so made might render difficult such apportionment of councillors as is herein-before directed: Be it therefore enacted, that in every such case the said barrister or barristers shall be empowered, at his or their discretion, subject as aforesaid to the approval of his Majesty by the advice of his privy council, to divide any borough in conjunction with the name of which, in the said schedule (A.), shall be mentioned any number of wards greater than two, into any number of wards more or less by one than the number of wards mentioned in conjunction with the name of such borough in the said schedule.

Where ancient divisions are adhered to, the specified number of wards may be departed from.

XLIII. AND be it enacted, that the said barrister or barristers shall have power to require any overseer, or person having the custody of any book containing any rate made for the relief of the poor, in any parish wholly or in part within any borough to be divided into wards, to produce such book before and allow the same to be inspected by the said barrister or barristers; and the said barrister or barristers shall have power to administer an oath to the overseers and to all other persons, who are hereby required to answer upon oath all such questions as the said barrister or barristers may put to them or any of them touching any matter which the said barrister or barristers may deem necessary for enabling them to execute the duties by this Act imposed upon them. [Rep., Stat. Law Rev. Act, 1874.]

Barristers may examine rate books, &c.

[XLIII.\*] AND be it enacted, that in every case in which there shall be a division into wards of any borough, the burgesses of every such ward, and none others, shall on the day fixed for the first election of councillors separately elect from the persons qualified to be councillors the whole number of councillors assigned to such ward respectively, and on the first day of November in any subsequent year shall separately elect from the persons qualified to be councillors one third part of the whole number of councillors assigned to such ward, and on the first day of March next after the first election of councillors in such ward, and in every subsequent year, shall separately elect from the persons qualified to be councillors two assessors for such ward; and every such

Councillors and assessors to be elected in wards by the burgesses of such wards.

[\* So much of section 43 as relates to assessors, rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

ward election first after such division into wards of any such borough shall be held before the mayor, or the person whom the mayor for the time being shall appoint in that behalf, and in every succeeding year shall be held before the alderman whom the councillors chosen in such ward shall yearly appoint in that behalf and before the two assessors of such ward; . . . . . and the votings and other proceedings in all other respects at such ward elections shall be conducted in the same manner as at elections of councillors or assessors respectively by the burgesses of the whole borough; and the alderman and assessors of each ward shall have the same powers in regard to elections in their ward as the mayor and assessors for the whole borough if not divided into wards; and every person so elected a councillor or assessor in such ward shall hold his office for the same time that he would have held it if he had been elected by the burgesses of the whole borough, and if the number elected in such ward had been the whole number for the borough.

Burgesses to vote in the ward in which their property is situated; but not in more than one.

[XLIV.\*] AND be it enacted, that every burgess of any borough shall be entitled to vote in the election of the councillors and assessors to be chosen within that ward in which the property of such burgess for which he appears to be rated on the burgess roll for the time being of such borough shall appear to be situated, and not otherwise; and if any burgess shall be rated in respect of distinct premises in two or more wards, then he shall be entitled to be enrolled and to vote in such one of the said wards as he shall select, but not in more than one.

Burgess roll to be made out in the form of ward lists.

XLV. AND be it enacted, that, for the purpose of better ascertaining who are the burgesses of any such ward, the burgess roll of every borough so divided into wards shall thenceforward be made out, by or under the direction of the town clerk, in alphabetical lists of the burgesses in each ward, to be called "Ward Lists."

Mode of proceeding if any person is elected a councillor or assessor in more than one ward.

[XLVI.\*] AND be it enacted, that if at any election of councillors or assessors for any borough any person shall be elected a councillor or assessor in more than one of the wards of such borough, he shall within three days after notice thereof choose, or in his default the mayor shall declare, for which one of the said wards such councillor or assessor shall serve; and such person shall thereupon be held to be elected in that ward only which he shall so choose, or which the mayor shall so declare.

Extraordinary vacancies in the office of councillor, auditor, or assessor, to be filled up by fresh election.

XLVII. AND be it enacted, that if any extraordinary vacancy shall be occasioned in the office of councillor, auditor, or assessor for any borough, the burgesses entitled to vote shall, on a day to be fixed by the mayor of such borough, or in the case of a councillor or assessor, where the borough shall have been divided into wards, by the alderman of the ward in which the vacancy has happened, (such day not to be later than ten days after such vacancy [Virt. rep., 16 & 17 Vict. c. 79. s. 11.],) elect from the persons qualified to be councillors another burgess to supply such vacancy; and such election shall be held, and the voting and other proceedings, in case of a contest, shall be conducted, in the same manner and subject to the same provisions as are herein-before enacted with respect to the election of councillors as aforesaid; and every person so elected shall hold such office until the time at which the

[\* So much of sections 44 and 46 as relates to assessors, rep., 35 & 36 Vict. c. 33. s. 32. (temp.)]

person in room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election if then qualified as herein provided : . . . . .

XLVIII. AND be it enacted, that if any mayor, alderman, or assessor of any borough who shall be in office at the time herein appointed for the revision by them of the burgess list under this Act, or for any election of councillors, assessors, or auditors which he is required to conduct or declare, shall neglect or refuse to revise such burgess list, or to conduct or declare such election as aforesaid, every such mayor, alderman, and assessor shall for every such offence forfeit and pay the sum of one hundred pounds; and if any overseer of any parish wholly or in part within any borough shall neglect or refuse to make out, sign, and deliver such list as aforesaid, or if the town clerk of any borough shall neglect or refuse to receive, print, and publish such lists as aforesaid, or if any such overseer or town clerk shall refuse to allow any such list to be perused by any person having right thereunto, every such overseer and town clerk respectively for every such offence shall forfeit and pay the sum of fifty pounds; and the said penalties hereby in such case imposed shall be recovered, with full costs of suit, by any person who will sue for the same within three calendar months after the commission of such offence, by action of debt or on the case in any of his Majesty's superior courts of record; and the money so to be recovered shall, after payment of the costs and expences attending the recovery thereof, be paid and apportioned as follows; (that is to say,) one moiety thereof to the person so suing, and the other moiety thereof to the treasurer to be appointed by virtue of this Act, to be by him applied in aid of the borough fund herein-after mentioned.

Penalties on mayor, overseers, &c. neglecting to comply with provisions of this Act.

XLIX. AND be it enacted, that on the ninth day of November in every year the council of the borough shall elect out of the aldermen or councillors of such borough a fit person to be the mayor of such borough, who shall continue in his office for one whole year; and in case a vacancy shall be occasioned in the office of mayor of the borough during such year by reason of any person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the council of the borough shall within ten days after such vacancy elect out of the aldermen or councillors of the said borough another fit person to be the mayor thereof for the remainder of the then current year.

Council to elect the mayor every year from the councillors.

Provision for extraordinary vacancy.

L. AND be it enacted, that no person elected a mayor, alderman, or councillor, or auditor or assessor, for any borough, shall be capable of acting as such, except in administering the declaration herein-after contained, until he shall have made and subscribed before any two or more such aldermen or councillors (who are hereby respectively authorized and required to administer the same to each other) a declaration in the words or to the effect following; (that is to say,)

Mayor, aldermen, and councillors, auditors and assessors, not to act until they have made a declaration of acceptance of office.

' I A.B., having been elected mayor [or alderman, councillor, auditor, or assessor] for the borough of \_\_\_\_\_, do hereby declare, that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability; [and in the case of the party being qualified by estate say, and I do hereby declare that I am seised or possessed of real or personal estate, or both, [as the case may

' be,] to the amount of one thousand pounds or five hundred pounds, as the case may require, over and above what will satisfy all my debts[.]'

Aldermen, if required, to make a declaration of qualification once in three years.

And that every alderman, who shall have made and subscribed the foregoing declaration in respect of estate, shall once in every period of three years, if required in writing so to do by any two members of the council, make and subscribe a declaration that he is qualified to the same amount in real or personal estate, or both, as the case may then be, as the amount mentioned in the declaration originally made and subscribed by him : . . . . .

Every burgess elected to the office of alderman, councillor, auditor, or assessor, and every councillor elected to the office of mayor, shall accept the office or pay a fine to the borough fund.

LI. AND be it enacted, that every person duly qualified who shall be elected to the office of alderman, councillor, auditor, or assessor, and every councillor who shall be elected to the office of mayor, for any borough, shall accept such office to which he shall have been elected, or shall in lieu thereof pay to the mayor, aldermen, and burgesses of such borough such fine not exceeding fifty pounds in case of aldermen, councillors, auditors, or assessors, and such fine not exceeding one hundred pounds in case of mayor, as the council of such borough by a bye law to be made as herein-after provided shall declare in that behalf; and such fine, if not duly paid, shall be levied by the warrant of any justice having jurisdiction within the borough, who is hereby required on the application of the council to issue the same, by distress and sale of the goods and chattels of the person so refusing to accept office, with the reasonable charges of such distress; and every such person so elected shall accept such office by making and subscribing the declaration herein-before mentioned within five days after notice of his election, otherwise such person shall be liable to pay the said fine as for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant and shall be filled up by a fresh election to be made in the manner herein-before mentioned: Provided always, that no person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body, shall be liable to such fine as aforesaid: Provided also, that every person so elected to any such office who shall be above the age of sixty-five years, or who shall have already served such office respectively, or paid the fine for not accepting such office respectively, within five years from the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within five days after notice of his election: Provided always, that nothing in this Act contained shall extend to compel the acceptance of any office or duty whatever in any borough by any military, naval, or marine officer in his Majesty's service on full pay, or by any officer or other person employed and residing within any of his Majesty's dockyards, victualling establishments, arsenals, or barracks.

Exemptions.

Any mayor, alderman, or councillor, if he shall be declared bankrupt, &c., or shall absent himself from the borough, shall cease to hold office and be liable to fine, &c.

LII. PROVIDED always, and be it enacted, that if any person holding the office of mayor, alderman, or councillor for any borough shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or shall compound by deed with his creditors, or, being mayor, shall be absent for more than two calendar months, or, being an alderman or councillor, for more than six months, at one and the same time, (unless in case of illness,) from the borough of which he shall be mayor, alderman, or councillor, then and in every such case such person shall thereupon immediately become disqualified and shall cease to hold the office of such mayor, alderman, or councillor as aforesaid, and in the case of such absence

shall be liable to the same fine, to be recovered in the same manner, as if he had refused to accept the said office; and the council thereupon shall forthwith declare the said office to be void, and shall signify the same by notice in writing under the hands of three or more of them, countersigned by the town clerk, to be affixed in some public place within the borough, and the said office shall thereupon become void; but every person so becoming disqualified and ceasing to hold such office on account of his being declared a bankrupt, or of his applying to take the benefit of any Act for the relief of insolvent debtors, or having compounded with his creditors as aforesaid, shall, on obtaining his certificate or on payment of his debts in full, be capable (if otherwise qualified) of being re-elected to such office; and every person becoming disqualified to hold such office on account of absence as aforesaid shall, on his return to such borough, be capable of being re-elected to such office, provided he shall then be otherwise qualified.

LIII. AND be it enacted, that if any person shall act as mayor, alderman, or councillor, or auditor or assessor, for any borough, without having made the declaration herein-before required in that behalf, or without being duly qualified at the time of making such declaration, or after he shall cease to be qualified according to the provisions of this Act, or after he shall have become disqualified to hold any such office, he shall for every such offence forfeit the sum of fifty pounds, such sum to be recovered, with full costs of suit, by any person who will sue for the same within three calendar months after the commission of such offence, by action of debt or on the case in any of his Majesty's superior courts of record; and every person so sued by reason of not being so qualified in respect of estate shall prove that he was at the time of so acting qualified as aforesaid, or otherwise shall pay the said penalty, without any further evidence being given on the part of the plaintiff than that such person has acted as the mayor, or as alderman, councillor, auditor, or assessor (as the case may be) of such borough: Provided always, that it shall be lawful for any defendant, by judge's order to be obtained within fourteen days after he shall have been served with process in any such action, to require the plaintiff to give security for costs; and in such case all further proceedings in the said cause shall be stayed until the plaintiff shall give security to the satisfaction of the proper officer of the court for the costs of such action in case a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue such action, or if upon demurrer or otherwise judgment shall be given against the plaintiff; and the defendant shall in either of such cases recover his full costs as between attorney and client: Provided also, that no such action shall be brought except by a burgess of such borough, nor unless the burgess bringing the same shall, within fourteen days after the commission of the offence, have served a notice in writing personally upon the party committing such offence of his intention to bring such action; and in case the plaintiff in any such action shall obtain a verdict, the money so to be recovered shall, after payment of the costs and expences attending the recovery thereof, be paid and apportioned as follows; (that is to say,) one moiety thereof to the person so suing, and the other moiety thereof to the treasurer to be appointed by virtue of this Act, to be by him applied in aid of the borough fund: Provided always, that all acts and proceedings of any person in possession of the office of mayor, alderman, councillor, auditor, or assessor, and acting

Penalty on persons not qualified, &c. acting as mayor, alderman, councillor, auditor, or assessor.

Disqualification not to vitiate acts done, &c.

as a mayor, alderman, councillor, auditor, or assessor, shall, notwithstanding such disqualification or want of qualification, be as valid and effectual as if such person had been duly qualified.

\* \* \* \* \*

The mayor to be a justice of the peace for the borough, &c. and have precedence, and be returning officer at elections of members to serve in Parliament, &c.

LVII. AND be it enacted, that the mayor for the time being of every borough shall be a justice of the peace of and for such borough, and shall continue to be such justice of the peace during the next succeeding year after he shall cease to be mayor, unless disqualified as aforesaid; and such mayor shall, during the time of his mayoralty, have precedence in all places within the borough, and in boroughs which return a member or members to serve in Parliament, other than the town of Berwick-upon-Tweed, and other than cities and towns which are counties of themselves, shall be the returning officer at all such elections; and in case the mayor shall, at the time when he shall be required to perform the duties of such returning officer, be dead, absent, or otherwise incapable of acting, or in case there shall be no mayor, the council of such borough shall forthwith elect one of the aldermen to be the returning officer for such borough in the place of the mayor being so dead, absent, or otherwise incapable: Provided always, that in every case where there shall be more than one mayor within the boundaries of any borough as the same are or shall at any future time be settled in so far as respects the election of members to serve in Parliament, the mayor of that borough to which the writ of election shall be directed shall be the returning officer.

Council shall appoint town clerk, treasurer, and other officers;

[LVIII.] AND be it enacted, that the council of every borough, on the ninth day of November in this present year, shall appoint a fit person, not being a member of the council, to be the town clerk of such borough, who shall hold his office during pleasure, and in any borough may be an attorney of one of his Majesty's superior courts at Westminster, any law, statute, charter, or usage to the contrary notwithstanding; and the council of every borough shall in every year appoint another fit person, not being a member of the council, to be the treasurer of the borough, and also such other officers as have been usually appointed in such borough, or as they shall think necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this Act, and may from time to time discontinue the appointment of such officers as shall appear to them not necessary to be re-appointed; and shall take such security for the due execution of his office by any such town clerk, treasurer, or other officer, as the said council shall think proper; and shall order to be paid to the mayor, and to the town clerk and treasurer, and to every such other officer to be employed as aforesaid, such salary or allowance as the said council shall think reasonable; and in case of a vacancy in any such office as aforesaid by death, resignation, removal, or otherwise, the council of such borough may appoint another fit person in the place of the person so making such vacancy; provided that the town clerk and treasurer shall not be the same person.

and shall take security for due execution of their office; and shall pay them salaries.

Treasurer to pay no money but by order of council, or sessions, &c.

LIX. AND be it enacted, that the treasurer of any borough shall pay no money on account of the mayor, aldermen, and burgesses of such borough, save only in such case as is provided by this Act, or upon the order in writing

[\* So much of this Act as provides that the council in every borough shall in every year appoint a fit person to be treasurer of such borough, rep., 6 & 7 Vict. c. 89. s. 6.]

of the council, signed by three or more members of the council, and countersigned by the town clerk of such borough, or by order of the court of sessions of the peace for the borough, or of a justice of the peace acting in and for the borough in the discharge of his judicial duty, in such case as is provided by this Act, or in such case as a court of sessions of the peace for any county, or a justice of the peace acting in and for a county in the discharge of his judicial duty, may make an order for the payment of money on the treasurer of such county, or for the payment of the salaries granted to any recorder or police magistrate as herein-after provided.

LX. AND be it enacted, that every town clerk, treasurer, or other officer appointed by the council as aforesaid shall, at such times during the continuance of his office, or within three months after the expiration of his office, and in such manner as the said council shall direct, deliver to the council, or to such person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, and also of all monies which shall have been by him received by virtue or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments, and also a list of the names of all such persons as shall not have paid the monies due from them for the purposes of this Act, and of the amount due from each of them; and every such officer shall pay all such monies as shall remain due from him to the treasurer for the time being, or to such person as the said council shall authorize to receive the same; and if any such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said council, or to such person as they shall authorize, within three days after being thereunto required by notice in writing under the hands of any three or more of the said council, to be given to or left at the last place of abode of such officer, all books, papers, and writings in his custody or power relating to the execution of this Act, or to give satisfaction to the said council, or to such other person as aforesaid, respecting the same, then and in every such case, upon complaint made on behalf of the said council, by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any justice of the peace for the county or other jurisdiction wherein such officer so refusing or neglecting shall be or reside, such justice is hereby authorized and required to issue a warrant under his hand and seal for bringing such officer before any two justices of the peace for such county or jurisdiction; and upon the said officer appearing, or not being found, it shall be lawful for such justices to hear and determine the matter in a summary way; and if it shall appear to such justices that any monies remain due from such officer, such justices may and they are hereby authorized and required, upon nonpayment thereof, by warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods of such officer; and if sufficient goods shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such justices that such officer has refused or wilfully neglected to deliver such account, or the vouchers relating thereto, or such list as aforesaid, or that any books, papers, or writings relating to the execution of this Act remain in the hands or in the custody or power of such officer, and

Officers to account, &c. according to the orders of the council.

Summary remedy against officers for not accounting, &c.



that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such justices shall and they are hereby required to commit such offender to the common gaol or house of correction for the county or jurisdiction where such offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said council for such monies, and shall have paid such composition in such manner as they shall appoint, (which composition the said council are hereby empowered to make and receive,) or until he shall have delivered a true account as aforesaid, together with such vouchers and lists as aforesaid, or until he shall have delivered up such books, papers, and writings, or have given satisfaction in respect thereof, to the said council, or to such other person as aforesaid, as the case may be: Provided always, that no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than three calendar months; provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer, but such officer shall not be sued by action and also proceeded against in a summary manner by virtue of this Act for the same cause.

Saving of  
remedy by  
action.

Councils of  
cities and towns  
which are coun-  
ties to name a  
sheriff.

LXI. AND be it enacted, that in the city of Oxford, in the town of Berwick-upon-Tweed, and in the counties of the cities of Bristol, Canterbury, Chester, Coventry, Exeter, Gloucester, Lichfield, Lincoln, Norwich, Worcester, and York, and in the counties of the towns of Caermarthen, Haverfordwest, Kingston-upon-Hull, Newcastle-upon-Tyne, Nottingham, Poole, and Southampton, the council shall on the first day of November [Rep., 6 & 7 Will. 4. c. 105. s. 5.] in every year appoint a fit person to execute the office of sheriff, with the like duties and powers as the sheriff or the person filling the office of sheriff in the said town and counties respectively would have had if this Act had not passed; . . . . .

Appointment,  
&c. of coroners  
in certain  
boroughs.

LXII. AND be it enacted, that the council of every borough in which a separate court of quarter sessions of the peace shall be holden as is herein-after provided, shall, within ten days next after the grant of the said court shall have been signified to the council of such borough, appoint a fit person, not being an alderman or councillor, to be coroner of such borough so long as he shall well behave himself in his office of coroner, and shall fill up every vacancy of the office of coroner of the borough by death, resignation, or removal, within ten days next after such vacancy shall have occurred; and none thereafter shall take any inquisition which belongs to the office of coroner within such borough, save only the coroner so from time to time to be appointed; and every such coroner, for every inquisition which he shall duly take within such borough, shall be entitled to have the sum of twenty shillings, and also the sum of nine-pence for every mile exceeding two miles which he shall be compelled to travel from his usual place of abode to take such inquisition, to be paid by the treasurer out of the borough fund of such borough, by order of the court of quarter sessions for such borough.

Coroners to  
make annual  
returns to  
secretary of  
state.

LXIII. AND be it further enacted, that on or before the first day of February in every year after the passing of this Act every coroner appointed in any borough shall make and transmit to one of his Majesty's principal secretaries of state a return in writing, according to such form as the said secretary

of state from time to time shall direct, of all the cases in which he may have been called upon to hold an inquest touching the cause of death of any person during the year ending on the thirty-first day of December immediately preceding.

LXIV. AND be it enacted, that in every borough in and for which no separate court of quarter sessions of the peace shall be holden, no person from and after the end of this present year shall take any inquisition which belongs to the office of coroner within such borough, save only the coroner for the county or district in which such borough is situated; and the coroner of such county or district, for every inquisition which he shall duly take within any place or precinct within any such borough, shall be entitled to have such rateable fees and salary as would be allowed and due to him, and to be allowed and paid in like manner, as for any other inquisition taken by him within such county: Provided always, that nothing in this Act contained shall extend or be construed to annul, diminish, or affect the authority of the lord high admiral, or of the commissioners for executing the office of lord high admiral of the United Kingdom for the time being, or of the judge of the High Court of Admiralty of England, as the lieutenant of the lord high admiral in the said court, to appoint coroners to act within the jurisdiction of the Admiralty in the several ports and havens and on the sea coast of England, and to take inquisitions touching deaths happening within the said jurisdiction, as hath heretofore been done.

County coroners to act in other boroughs.

Saving of power of Admiralty, &c. to appoint coroners.

LXV. AND be it enacted, that the council elected under this Act in any borough shall have power to remove from his office every bailiff, treasurer, or chamberlain, and every other ministerial or executive officer of such borough and body corporate who shall be in office at the time of the first election of councillors under this Act; and every such bailiff, treasurer, or chamberlain, and every other ministerial or executive officer in such borough, shall continue to act in the same capacity as heretofore, and to execute all the duties heretofore belonging to his office, and be entitled to have the same salaries, fees, and emoluments as he would have had if this Act had not passed, until he shall be removed from his office, and no longer, unless he shall be re-appointed according to the provisions of this Act; and every officer who shall be in possession or receipt of any monies, goods, valuable securities, books, and papers belonging to or concerning the body corporate whose officer he is, shall deliver up and account for the same to the council of such body corporate appointed under this Act; and the council shall have the same remedy against such officer to recover the same as is herein-before provided in the case of officers appointed by such council: Provided always, that all the charters, deeds, muniments, and records of every borough, or relating to the property thereof, shall be kept in such place as the council from time to time shall direct, and the town clerk for the time being shall have the charge and custody of and be responsible for the same.

Council may remove certain officers.

Such officers shall continue until removed;

and shall deliver up books, &c.

Custody of borough records.

LXVI. AND be it enacted, that every officer of any borough or county who shall be in any office of profit at the time of the passing of this Act, whose office shall be abolished or who shall be removed from his office under the provisions of this Act, or who shall not be re-appointed as aforesaid, shall be entitled to have an adequate compensation, to be assessed by the council, and paid out of the borough fund, for the salary, fees, and emoluments of the

Officers removed under this Act to receive compensation,

on delivering  
statement of  
claim.

office which he shall so cease to hold, regard being had to the manner of his appointment to the said office, and his term or interest therein, and all other circumstances of the case; and every person entitled to such compensation as aforesaid shall deliver to the town clerk, or in case such person shall himself be town clerk, then to the treasurer of the borough, a statement under the hand of such person setting forth the amount received by him or his predecessors in every year during the period of five years next before the passing of this Act on account of the salary, fees, emoluments, profits, and perquisites in respect whereof he shall claim such compensation, distinguishing the office, place, situation, employment, or appointment in respect whereof the same shall have been received, and containing a declaration that the same is a true statement according to the best of the knowledge, information, and belief of such person, and also setting forth the sum claimed by him as such compensation; and the town clerk or treasurer, as the case shall be, shall lay such statement before the council, who shall take the same into consideration, and determine thereon; and immediately upon such determination being made the person preferring such claim, if he shall not himself be the town clerk, shall be informed thereof by notice in writing under the hand of the town clerk; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and in case the person preferring such claim shall think himself aggrieved by the determination of the council thereon, or in case one third of the members of the council shall subscribe a protest against the amount of compensation allowed by the determination of the council as excessive, it shall be lawful for the person preferring such claim, or any member of the council who shall subscribe such protest, to appeal to the lords commissioners of his Majesty's Treasury, who shall thereupon make such order as to them shall seem just; and such order, signed by three or more of such lords commissioners, shall be binding on all parties: Provided always, that if the council shall not determine on such claim within six calendar months after the aforesaid statement shall be delivered to the town clerk or treasurer, as the case shall be, such claim shall be considered as admitted: Provided also, that it shall not be lawful for any member of the council to subscribe such protest as aforesaid except within such period of six calendar months: Provided also, that the person preferring such claim, if any member of the council shall so require, upon receiving notice in writing signed by the town clerk, unless such person shall himself be town clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the council for the investigation of such claim, and then and there, upon his oath or solemn affirmation, to be taken or made before the mayor, (who is hereby authorized to administer the same,) shall answer all such questions as shall be asked by any member of the council touching the matters set forth in the statement subscribed by such person as aforesaid, and produce all books, papers, and writings in his possession, custody, or power relating thereto: Provided also, that every such officer who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had

been forthwith removed under the provisions of this Act, and had not been continued in or re-appointed to such office.

LXVII. AND be it enacted, that the sum payable to any person as such compensation as aforesaid shall be secured to such person by bond or obligation under the common seal of the borough out of whose funds the same shall be payable, in a sufficient penalty, conditioned for the payment to such person, his executors or administrators or assigns, of such sum, with all arrears thereof (if any) accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expence of the borough fund, and delivered to the person entitled to such compensation as soon as conveniently may be after the amount thereof shall have been admitted as aforesaid by the council of the borough, or shall have been determined, in the event of such appeal as aforesaid, by the order of the said lords commissioners.

Compensation to be secured by bond under the common seal of the borough.

LXVIII. AND be it enacted, that all pensions and allowances granted on or before the fifth day of June in this present year, by the corporate body named in the said schedules (A.) and (B.) in conjunction with any borough, to any retired officer or servant, or to the widow or child of any officer or servant, and all stipends and allowances which during seven years next before the said fifth day of June have been usually paid and granted to the minister or late minister of any church or chapel, or to the master or usher of any school, or to the governor or master of any hospital within such borough, and all charitable allowances which have been usually paid as aforesaid to the inmates of any almshouses by such corporate body, shall be secured, as soon as conveniently may be after the passing of this Act, to every person entitled or accustomed to have and receive the same, by bond or obligation under the common seal of the borough out of whose funds the same shall be payable, in a sufficient penalty, conditioned for the payment to such person, his executors and administrators, of such pension, stipend, or allowance, with all arrears thereof, if any, accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expence of the borough fund.

Certain pensions and allowances to be secured by the like bond.

LXIX. AND be it enacted, that all acts whatsoever authorized or required by virtue of this Act to be done by the council of such borough, and all questions of adjournment or others that may come before such council, may be done and decided by the majority of the members of the council who shall be present at any meeting held in pursuance of this Act, the whole number present at such meeting not being less than one third part of the number of the whole council; and at all such meetings the mayor, if present, shall preside; and the mayor, or, in the absence of the mayor, such alderman, or, in the absence of all the aldermen, such councillor as the members of the council then assembled shall choose to be the chairman of that meeting, shall have a second or casting vote in all cases of equality of votes; and minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the mayor, alderman, or councillor presiding at such meeting; and the said minutes shall be open to the inspection of any burgess at all reasonable times on payment of a fee of one shilling: Provided always, that previous to any meeting of the council held by virtue of this Act a notice of the time and place of such intended meeting shall be given three clear days at least before such meeting, by fixing the said notice on or near the door of the town hall of the borough; and such

All acts, &c. of the council may be done by a majority of councillors present; one third part of the whole number being a quorum, &c.

Notice of meetings of council.

Quarterly  
meetings of  
council without  
notice.

notice shall be signed by the mayor, who shall have power to call a meeting of the council as often as he shall think proper; and in case the mayor shall refuse to call any such meeting after a requisition for that purpose signed by five members of the council at the least shall have been presented to him, it shall be lawful for the said five members to call a meeting of the council by giving such notice as is herein-before required in that behalf, such notice to be signed by the said members instead of the mayor, and stating therein the business proposed to be transacted at such meeting; and in every case a summons to attend the council, specifying the business proposed to be transacted at such meeting, signed by the town clerk, shall be left at the usual place of abode of every member of the council or at the premises in respect of which he is enrolled a burgess, three clear days at least before such meeting; and no business shall be transacted at such meeting other than is specified in the notice: Provided always, that there shall be in every borough four quarterly meetings in every year at which the council shall meet for the transaction of general business, and no notice shall need to be given of the business to be transacted on such quarterly days; and the said quarterly meetings shall be holden at noon on the ninth day of November, or if the ninth day of November shall fall on a Sunday on the day following, and at such hour on such other three days before the first day of November then next following as the council at the quarterly meeting in November shall decide; and the first business transacted at the quarterly meeting in November shall be the election of mayor.

Council may  
appoint com-  
mittees.

LXX. AND be it enacted, that it shall be lawful for the council of any borough to appoint out of their own body, from time to time, such and so many committees, either of a general or special nature, and consisting of such number of persons as they may think fit, for any purposes which, in the discretion of such council, would be better regulated and managed by means of such committees: Provided always, that the acts of every such committee shall be submitted to the council for their approval.

Appointment  
of charitable  
trustees in  
boroughs.

LXXI. AND whereas divers bodies corporate now stand seised or possessed of sundry hereditaments and personal estate, in trust, in whole or in part, for certain charitable trusts, and it is expedient that the administration thereof be kept distinct from that of the public stock and borough fund: Be it enacted, that in every borough in which the body corporate, or any one or more of the members, of such body corporate, in his or their corporate capacity, now stands or stand solely, or together with any person or persons elected solely by such body corporate, or solely by any particular number, class, or description of members of such body corporate, seised or possessed, for any estate or interest whatsoever, of any hereditaments, or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part in trust or for the benefit of any charitable uses or trusts whatsoever, all the estate, right, interest, and title, and all the powers of such body corporate, or of such member or members of such body corporate, in respect of the said uses and trusts, shall continue in the persons who at the time of the passing of this Act are such trustees as aforesaid, notwithstanding that they may have ceased to hold any office by virtue of which before the passing of this Act they were such trustees, until the first day of August one thousand eight hundred and thirty-six, or until Parliament shall otherwise

order, and shall immediately thereupon utterly cease and determine: Provided always, that if any vacancy shall be occasioned among the charitable trustees for any borough before the said first day of August, it shall be lawful for the lord high chancellor or lords commissioners of the great seal for the time being, upon petition in a summary way, to appoint another trustee to supply such vacancy; and every person so appointed a trustee as last aforesaid shall be a trustee until the time at which the person in the room of whom he was chosen would regularly have ceased to be a trustee, and he shall then cease to be a trustee: Provided also, that if Parliament shall not otherwise direct, on or before the said first day of August one thousand eight hundred and thirty-six, the lord high chancellor or lords commissioners of the great seal shall make such orders as he or they shall see fit for the administration, subject to such charitable uses or trusts as aforesaid, of such trust estates.

LXXII. AND be it enacted, that the body corporate named in the said schedules (A.) and (B.) in conjunction with any borough shall be trustees for executing by the council of such borough the powers and provisions of all Acts of Parliament made before the passing of this Act, (other than Acts made for securing charitable uses and trusts,) and of all trusts (other than charitable uses and trusts) of which the said body corporate, or any of the members thereof in their corporate capacity, was or were sole trustees before the time of the first election of councillors in such borough under this Act.

Council to act as trustees of certain trusts and where corporation were sole trustees.

LXXIII. AND be it enacted, that in every borough in which the body corporate, or a particular or limited number, class, or description of members of the body corporate, or of persons appointed by the body corporate, was or were before the passing of this Act trustees jointly with other trustees for the execution of any Act of Parliament, or of any trust, or in which the body corporate, or any particular or limited number, class, or description of members or nominees of the body corporate, by any statute, charter, bye law, or custom, was or were before the passing of this Act lawfully appointed to or exercised any powers, duties, or functions whatsoever not otherwise herein provided for, and the continuance of which is not inconsistent with the provisions of this Act, the council of such borough, on the day named in such Act as last aforesaid, or in the deed or will by which such trust is created, for a new election, nomination, or appointment of trustees, or on which such new election, nomination, or appointment has usually been made, (and if there shall be no such day named or usually observed, then on the first day of January in every year,) shall appoint the like number of members of the council, or as near as may be to the like number of members of the council, as there were theretofore members or nominees of such corporate body who in right of their office were such trustees, or charged with the execution of such powers, duties, and functions, in room of the members or nominees of such corporate body ceasing to be trustees, or ceasing to exercise such powers, duties, and functions by virtue of this Act, and, in every case of extraordinary vacancy among the trustees or persons so appointed by the council, shall forthwith appoint one other member of the council in the room of the person by whom such vacancy has been made, and to hold his trust or office for such time as the person, by whom such vacancy has been made, would regularly have held it.

Council to appoint a limited number of councillors to be joint trustees for certain purposes.

A watch committee shall be appointed, consisting of the mayor and some of the council.

Such committee shall appoint constables;

who shall act for the county, &c., as well as for the borough.

Watch committee may make regulations for the management of the constables, &c.

Constables may apprehend idle and disorderly persons, &c.

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LXXVI. AND be it enacted, that the council to be elected for any borough shall, immediately after their first election, and so from time to time thereafter as they shall deem expedient, appoint, for such time as they may think proper, a sufficient number of their own body, who, together with the mayor of the borough for the time being, shall be and be called the watch committee for such borough; and all the powers herein-after given to such committee may be executed by the majority of those who shall be present at any meeting of such committee, the whole number present at such meeting being not less than three; and such watch committee shall, within three weeks after their first formation, and so from time to time thereafter as occasion shall require, appoint a sufficient number of fit men who shall be sworn in before some justice of the peace having jurisdiction within the borough to act as constables for preserving the peace by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall not only within such borough, but also within the county in which such borough or part thereof shall be situated, and also within every county being within seven miles of any part of such borough, and also within all liberties in any such county, have all such powers and privileges, and be liable to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have within his constablewick by virtue of the common law of this realm, or of any statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the justices of the peace having jurisdiction within such borough, or within any county in which they shall be called on to act as constables, for conducting themselves in the execution of their office.

LXXVII. AND be it enacted, that the watch committee for any such borough as aforesaid may from time to time frame such regulations as they shall deem expedient for preventing neglect or abuse, and for rendering such constables efficient in the discharge of their duties; and the said committee, or any two justices of the peace having jurisdiction within the borough, may at any time suspend or dismiss any constable whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed, or cease to belong to the said constabulary force, all powers vested in him as a constable by virtue of this Act shall immediately cease; and no man so dismissed as aforesaid shall be re-appointed without the consent of two of the justices of the peace having jurisdiction within the borough.

LXXVIII. AND be it enacted, that it shall be lawful for any constable during the time of his being on duty to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of intention to commit a felony, and to deliver any person so apprehended into the custody of the constable appointed under this Act, who shall be in attendance at the nearest watch-house, in order that such person may be secured until he can be brought before a justice of the peace to be dealt with according to law, or may give bail for his appearance before a justice of the peace, if the constable shall think fit to take bail, in the manner herein-after mentioned.

**LXXIX.** AND be it enacted, that where any person charged with any petty misdemeanor shall be brought without the warrant of a justice of the peace into the custody of any constable appointed under this Act, during his attendance in the night-time at any watch-house within any such borough as aforesaid, it shall be lawful for such constable, if he shall think fit, to take bail by recognizance, without any fee or reward, from such person, conditioned that such person shall appear for examination within two days before a justice of the peace within the borough at some time and place to be specified in the recognizance; and every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a justice of the peace; and the constable shall enter in a book, to be kept for that purpose in every watch-house, the names, residence, and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such justice as shall be present at the time and place when and where the party is required to appear; and if the party does not appear at the time and place required, or within one hour after, the justice shall cause a record of the recognizance to be drawn up to be signed by the constable, and shall return the same to the next general or quarter sessions of the peace for the borough, or for the county in which such borough is situate, in those boroughs for which there shall be no separate general or quarter sessions of the peace, with a certificate at the back thereof, signed by such justice, that the party has not complied with the obligation therein contained; and the clerk of the peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in the sessions of the peace; and if the party not appearing shall apply by any person on his behalf to postpone the hearing of the charge against him, and the justice shall think fit to consent thereto, the justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint or by binding the party over to answer the matter thereof at the sessions, or otherwise, the recognizance for the appearance of the party before a justice shall be discharged without fee or reward.

Constables attending at the watch-houses in the night may take bail by recognizance from persons brought before them for petty misdemeanors; such recognizance to be conditioned for the appearance of the parties before a magistrate.

In default of appearance recognizance to be forfeited.

Time of hearing the charge may be postponed, &c.

**LXXX.** AND be it enacted, that if any constable of any borough shall be guilty of any neglect of duty or of any disobedience of any lawful order, every such offender, being convicted thereof before any two justices of the peace, shall for every such offence be liable to be imprisoned for any time not exceeding ten days, or to be fined in any sum not exceeding forty shillings, or to be dismissed from his office, as such justices shall in their discretion think meet.

Penalties on constables for neglect of duty.

**LXXXI.** AND be it enacted, that if any person shall assault or resist any constable of any borough appointed under this Act in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before any two justices of the peace, shall for every such offence forfeit and pay such sum not exceeding five pounds as the said justices shall think meet: Provided always, that nothing herein contained shall prevent any prosecution by way of indictment against any person so offending, but so as that such person shall not be prosecuted by indictment and also proceeded against under this Act for the same offence.

Penalty for assaults on constables.



Salaries and  
expences of  
constables.

LXXXII. AND be it enacted, that the treasurer of every borough appointed under this Act shall pay to the constables of such borough appointed under this Act such salaries, wages, and allowances, and at such periods, as the watch committee for such borough shall, subject to the approbation of the council, direct; and the council shall order to be paid also any extraordinary expences which such persons shall appear to have necessarily incurred in apprehending offenders and executing the orders of any justice of the peace having jurisdiction within such borough, such expences having been first examined and approved by such justice; and the said treasurer shall also pay such further sums as the watch committee shall, subject to the approbation of the council, award to any of the persons belonging to the said constabulary force, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service, and all other charges and expences which the watch committee shall, subject to the approbation of the council, direct to be paid for the purposes of the constabulary force under this Act.

Rewards for  
activity, &c.

Magistrates to  
appoint annu-  
ally a certain  
number of  
persons to act  
as special con-  
stables.

LXXXIII. AND be it enacted, that any two or more of the justices of the peace having jurisdiction within any borough are hereby authorized and required in the month of October in every year to nominate and appoint, by precept in writing under their hands, so many as they shall think fit of the inhabitants of such borough (not legally exempt from serving the office of constable) to act as special constables within such borough whensoever they shall be required by the warrant of any of the justices of the peace having jurisdiction within such borough so to act, and not otherwise; and every such warrant shall recite that in the opinion of the justice granting the same the ordinary police force of the borough is insufficient at that time to maintain the peace of the borough; and every person so appointed a special constable shall take the oath set forth in the Act passed in the session of Parliament holden in the first and second years of the reign of his present Majesty, intituled "An Act for amending the laws relative to the appointment of special constables, and for the better preservation of the peace," and shall have the powers and immunities and be liable to the duties and penalties enacted by the said last-mentioned Act; and every person so appointed a special constable shall receive out of the borough fund, for every day during which he shall be called out to act as such, the sum of three shillings and sixpence, and no more.

1 & 2 Will. 4.  
c. 41.

Payment of  
special con-  
stables.

On appoint-  
ment of con-  
stables, the  
present pro-  
visions in Acts  
as to watching,  
&c. shall cease.

LXXXIV. AND be it enacted, that as soon as constables shall have been appointed by the watch committee for any borough, a notice, signed by the mayor of such borough, specifying the day on which such constables shall begin to act, shall be fixed on the door of the town hall and every church within such borough; and on the day so specified in such notice so much . . . . . of all Acts made before the passing of this Act, as relates to the appointment, regulation, powers, and duties, or to the assessment or collection of any rate to provide for the expences, of any watchmen, constables, patrol, or police for any place situated within such borough, shall cease and determine; and all watch-houses and watch-boxes in any such place, and all arms, accoutrements, and other necessaries provided at the public expence for any watchmen, constables, patrol, or police therein, shall be given

Watchboxes,  
arms, &c. shall  
be given up for  
the use of the

up to such persons as shall be named by the said mayor in such notice, for the use and accommodation of the constables to be appointed under this Act, and all the property so to be given up shall be deemed to belong to the body corporate of such borough; and in case any person having the charge, control, or possession of any watch-house, watch-box, arms, accoutrements, or necessities as aforesaid, shall neglect or refuse to give up the same as herein-before required, every such offender, being convicted thereof before any two justices of the peace, shall for every such offence forfeit and pay, over and above the value of the property not given up, such sum not exceeding five pounds as the said justices shall think meet; and where there shall be any building in any such place as aforesaid, a part only of which building shall have been heretofore used as a watch-house, such part shall be given up every day, from the hour of four in the afternoon until the hour of nine in the forenoon, for the use and accommodation of the constables to be appointed under this Act; and if any person having the charge, control, or possession of any such building shall neglect or refuse to give up such part thereof for the purposes aforesaid, or to permit free access thereto or egress therefrom during any portion of the time above prescribed, every such offender, being convicted thereof before any two justices of the peace, shall for every such offence forfeit and pay such sum not exceeding five pounds as the said justices shall think meet: Provided nevertheless, that in every case in which before the passing of this Act a rate might be levied in any borough for the purpose of watching, conjointly with any other purpose, nothing in this Act contained shall be construed to prevent the levying and collecting of such rate for such other purpose solely, or to repeal the powers given in any Act so far as the same relate to such other purpose: Provided always, that where the amount of such rate before the passing of this Act might not exceed a given rate in the pound on the value of property rateable thereunto, the rate so to be levied for such other purpose solely shall not exceed such proportion of the said given rate in the pound as shall appear to have been expended for such purpose other than watching by an account of the average yearly expenditure during the last seven years, or where such rate shall not have been levied during seven years, then during such less number of years as such rate shall have been levied.

constables  
appointed  
under this Act.

Proviso as to  
joint rates for  
watching and  
other purposes,  
&c.

LXXXV. PROVIDED always, and be it enacted, that any rate for defraying the expences of any watchmen, constables, patrol, or police in any such place as aforesaid, made previously to the day specified in such notice as aforesaid, shall be levied and collected in the same manner as if this Act had not been passed: Provided also, that nothing herein contained shall prevent the levying and collecting of any rate in any such place as aforesaid for the purpose of paying any debt contracted before the passing of this Act, or the interest of any such debt, but that such rate shall and may be levied and collected in the same manner as if this Act had not been passed.

Proviso as to  
rates in arrear,  
and as to debts.

LXXXVI. AND be it enacted, that the watch committee of every such borough shall, on the first day of January, the first day of April, the first day of July, and the first day of October in every year, transmit to one of his Majesty's principal secretaries of state a report of the number of men appointed to act as constables or policemen in such borough, and of the description of arms, accoutrements, and clothing, and other necessities furnished to each man, and of the salaries, wages, and allowances payable to such constables or policemen, and of the number and situation of all station houses in such borough; and also [Rep., 21 & 22 Vict. c. 67.] a

Watch com-  
mittee to trans-  
mit a report  
quarterly to the  
secretary of  
state, and also  
a copy of their  
rules, &c.

copy of all rules, orders, and regulations, which shall from time to time be made by such watch committee or by the council of such borough for the regulation and guidance of such constables or policemen.

Council may order parts of a borough not within a local Act as to lighting to be included in such Act.

LXXXVII. AND whereas parts of certain boroughs are within the provisions of one or more local Act or Acts for regulating the lighting thereof; and certain other parts of the same boroughs are not within the provisions of any local Act for regulating the lighting thereof, and for want of such lighting the efficiency of the constables may be much diminished, and great facilities afforded for the commission of crimes and for the escape of offenders: For remedy thereof be it enacted, that it shall be lawful for the council of any borough, in any part of which there is a local Act for the lighting thereof, to make an order that any part of such borough not being within the provisions of any local Act for the lighting thereof shall, from and after a certain day to be named in such order, be taken to be within the provisions of such local Act or Acts for lighting any part of such borough as the common council shall specify in such order; and after such day the part named in such order shall be within the provisions of the Act or Acts so specified, so far as relates to lighting, or to any rates authorized to be levied for the purpose of lighting, as fully as if such part had been originally named in such Act or Acts, any thing in such Act or Acts to the contrary notwithstanding: Provided always, that every part named in such order shall be lighted in the like manner as those parts which before the making of such order were within the provisions of such local Act, and that the rate to be raised for the purpose of defraying the expences of lighting any part so named in such order shall not exceed the average expence in the pound of the lighting of the other parts of such borough.

Council may assume the powers of inspectors under 3 & 4 Will. 4. c. 90. for lighting any part of the borough not within a local Act for lighting the same.

LXXXVIII. AND be it enacted, that if the council of any borough chosen under this Act shall, by public notice to be affixed on the outer door of the town hall or in some public place within the borough, declare that on a certain day, to be named in such notice, not less than twenty-one days after the day on which such public notice shall have been given, they will take upon themselves the powers given to the inspectors named in a certain Act made in the third and fourth year of his present Majesty, intituled "An Act to repeal an Act of his late Majesty King George the Fourth, for the lighting and watching of parishes in England and Wales, and to make other provisions in lieu thereof," so far as the same relates to the lighting the whole or any part of any borough which is not within the provisions of any local Act, or in which there is no power of levying rates for lighting the same, the council of such borough shall, after the day named in such notice, have the same powers and duties as belong to inspectors under the said last-recited Act in regard to lighting, and to levying rates for the purpose of lighting such part of the borough, except so far as the same are contrary to or inconsistent with the provisions of this Act; and in such case the council shall have the sole power to fix and determine the amount of money which they will call for in any one year for the purpose of lighting such part of the borough, so that such sum shall not exceed the rate of sixpence in the pound on the full and fair annual value of all property rateable to the relief of the poor within such part of the borough: Provided also, that it shall not be lawful in such case for the inhabitants of such part of the borough at any time to determine that the provisions of the said recited Act shall cease to be acted upon.

LXXXIX. PROVIDED always, and be it enacted, that nothing herein contained shall be construed to interfere with the watching, paving, or lighting, and internal regulations established for the government and security of any of his Majesty's dockyards, victualling establishments, arsenals, and barracks respectively; nor shall any of the tenements within the said dockyards, victualling establishments, arsenals, or barracks, or the inhabitants of the same, be liable to be assessed to the rates for watching, paving, or lighting the other parts of the city, borough, or parish within which the same may be respectively situated, unless such tenements or the inhabitants thereof are now or may hereafter become liable to be assessed to any such rates made under or by virtue of any law or statute now in force; nor shall any thing herein contained extend to defeat or affect the authority of justices of the peace which by an Act passed in the second year of his present Majesty's reign, intituled "An Act to amend the laws relating to the business of the civil departments of the navy, and to make other regulations for more effectually carrying on the duties of the said departments," is vested in the commissioners for executing the office of lord high admiral of the United Kingdom, . . . . . in all places and in all matters relating to his Majesty's naval service, and to the stores, provisions, ammunition, and accounts thereof.

This Act not to interfere with the regulations for the government, &c. of dockyards, arsenals, &c.

2 & 3 Will. 4. c. 40.

XC. AND be it enacted, that it shall be lawful for the council of any borough to make such bye laws as to them shall seem meet for the good rule and government of the borough, and for prevention and suppression of all such nuisances as are not already punishable in a summary manner by virtue of any Act in force throughout such borough, and to appoint by such bye laws such fines as they shall deem necessary for the prevention and suppression of such offences; provided that no fine so to be appointed shall exceed the sum of five pounds, and that no such bye law shall be made unless at least two thirds of the whole number of the council shall be present; provided that no such bye law shall be of any force until the expiration of forty days after the same or a copy thereof shall have been sent, sealed with the seal of the said borough, to one of his Majesty's principal secretaries of state, and shall have been affixed on the outer door of the town hall or in some other public place within such borough; and if at any time within the said period of forty days his Majesty, with the advice of his privy council, shall disallow the same bye law or any part thereof, such bye law or the part thereof disallowed shall not come into operation: Provided also, that it shall be lawful for his Majesty, if he shall think fit, at any time within the said period of forty days, to enlarge the time within which such bye law, if disallowed, shall not come into force; and no such bye law shall in that case come into force until after the expiration of such enlarged time.

Council may make bye laws.

XCI. AND be it enacted, that all the provisions herein-after contained relative to offences against this Act punishable upon summary conviction shall be taken to apply to all offences committed in breach of any bye law or regulation made by virtue of this Act.

Punishment of breaches of bye laws.

XCII. AND be it enacted, that after the election of the treasurer in any borough the rents and profits of all hereditaments, and the interest, dividends, and annual proceeds of all monies, dues, chattels, and valuable securities belonging or payable to any body corporate named in conjunction with the said borough in the said schedules (A.) and (B.), or to any member or officer

The income of all corporate property and all fines received shall be carried to the account of the borough fund.

Debts of corporation, salaries of mayor, recorder, town clerk, treasurer, and other officers, election expenses, &c. shall be paid out of the fund.

Application of surplus.

If the fund be insufficient, the council shall order a rate to make up the deficiency.

thereof in his corporate capacity, and every fine or penalty for any offence against this Act (the application of which has not been already provided for), shall be paid to the treasurer of such borough; and all the monies which he shall so receive shall be carried by him to the account of a fund to be called "The Borough Fund"; and such fund, subject to the payment of any lawful debt due from such body corporate to any person, which shall have been contracted before the passing of this Act, and unredeemed, or of so much thereof as the council of such borough from time to time shall be required or shall deem it expedient to redeem, and to the payment from time to time of the interest of so much thereof as shall remain unredeemed, and saving all rights, interests, claims, or demands of all persons or bodies corporate in or upon the real or personal estate of any body corporate by virtue of any proceedings either at law or in equity which have been already instituted or which may be hereafter instituted, or by virtue of any mortgage or otherwise, shall be applied towards the payment of the salary of the mayor, and of the recorder and of the police magistrate herein-after mentioned when there is a recorder or police magistrate, and of the respective salaries of the town clerk and treasurer, and of every other officer whom the council shall appoint, and also toward the payment of the expences incurred from time to time in preparing and printing burgess lists, ward lists, and notices, and in other matters attending such elections as are herein mentioned, and, in boroughs which shall have a separate court of sessions of the peace as is herein-after provided, towards the expences of the prosecution, maintenance, and punishment of offenders, and towards such other sum to be paid by such borough to the treasurer of such county as is herein-after provided, and towards the expence of maintaining the borough gaol, house of correction, and corporate buildings, and towards the payment of the constables, and of all other expences not herein otherwise provided for, which shall be necessarily incurred in carrying into effect the provisions of this Act; and in case the borough fund shall be more than sufficient for the purposes aforesaid, the surplus thereof shall be applied, under the direction of the council, for the public benefit of the inhabitants and improvement of the borough; provided that it shall not be lawful for the council to be elected under the provisions of this Act, in any borough in which the body corporate named in conjunction with the said borough in the said schedules (A.) and (B.) before the time of the passing of this Act shall have contracted any lawful debt chargeable on any tolls or dues belonging or payable to the said body corporate, or to any member or officer thereof in his corporate capacity, or towards the satisfaction whereof such tolls or dues or any part thereof were applicable before the passing of this Act, to alter or reduce the amount to be levied and payable of such tolls or dues, or to grant for any consideration any remission of or exemption from such tolls or dues or any part thereof, unless with the consent in writing under the hands of a majority in number and amount of the creditors to whom such debt is due, until after such debt and all arrears of interest due thereon shall have been fully paid and satisfied; and in case the borough fund shall not be sufficient for the purposes aforesaid, the council of the borough is hereby authorized and required from time to time to estimate, as correctly as may be, what amount, in addition to such fund, will be sufficient for the payment of the expences to be incurred in carrying into effect the

provisions of this Act ; and in order to raise the amount so estimated the said council is hereby authorized and required from time to time to order a borough rate in the nature of a county rate to be made within their borough ; and for that purpose the council of such borough shall have within their borough all the powers which any justices of the peace assembled at their general or quarter sessions in any county in England have within the limits of their commission by virtue of an Act made in the fifty-fifth year of his late Majesty King George the Third, intituled "An Act to amend an Act of his late Majesty King George the Second, for the more easy assessing, collecting, and levying of county rates"[\*], or as near thereto as the nature of the case will admit, except as is herein-after excepted ; and all warrants required by the said Act to be issued under the hands and seals of two or more justices shall in like case be signed by the mayor, and sealed with the seal of the borough ; provided that such council shall not be empowered to receive, hear, or determine any appeal against any such rate ; and if any person shall think himself aggrieved by any such rate, it shall be lawful for him to appeal to the recorder herein-after mentioned at the next quarter sessions for the borough in which such rate has been made, or, in case there shall be no recorder within such borough, to the justices at the next court of quarter sessions for the county within which such borough is situate or whereunto it is adjacent ; and such recorder or justices respectively shall have power to hear and determine the same, and to award relief in the premises, as in the case of an appeal against any county rate ; and all such sums levied in pursuance of such borough rate shall be paid over to the account of the borough fund, and, subject to the provisions herein-before contained, shall be applied to all purposes to which before the passing of this Act a borough rate or county rate was by law applicable in such borough or county : Provided that in every case in which before the passing this Act any rate might be levied in any borough, or in any parish or place made part of any borough under the provisions of this Act, for the purpose of watching solely by day or by night, or for the purpose of watching by day or by night conjointly with any other purpose, it shall be lawful for the council of such borough to levy a watch rate sufficient to raise any sum not greater than the average yearly sum which during the last seven years, or, where such rate shall not have been levied during seven years, then during such less number of years as such rate shall have been levied, shall have been expended in the maintenance and establishment of watchmen, constables, patrole, or policemen within the district in which such rate was levied ; and for that purpose the council shall have all the powers herein-before given to the council in the matter of the borough rate ; and where any part of any borough shall not at the time of the passing of this Act be within the provisions of the Act authorizing the levy of such rate for watching as aforesaid, it shall be lawful for the council from time to time to order that such part, or so much thereof as to the council shall seem fit, shall be rated to the watch rate in like manner as other parts of the borough to be specified in such order, and such watch rate thereupon shall be levied within the part mentioned in such order in like manner as in the other parts of the borough so specified ; and all such sums levied in pursu-

55 Geo. 3.  
c. 51.

Power to levy  
watch rate in  
certain cases.

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[\* This Act will be found in the Appendix.]

Proviso as to liability of corporate property, &c. to debts contracted previously to this Act.

Treasurer of borough shall keep accounts of receipts and disbursements, which shall be audited and published.

Restrictions on power of council to sell, mortgage, or lease corporate property.

ance of such watch rate shall be paid over to the account of the borough fund: Provided always, that no such order as last aforesaid shall be made for rating to such watch rate any part of any borough in which at the time of passing this Act such rate as aforesaid shall not be levied, and which is more than two hundred yards distant from any street or continuous line of houses which shall be regularly watched within the borough under the provisions of this Act: Provided also, that nothing in this Act contained shall be construed to render liable to the payment of any debt contracted before the passing of this Act by any body corporate any part of the real or personal estate of the said body corporate which before the passing of this Act was not liable thereto, or to authorize the levy of any rate within any part of any borough for the purpose of paying any debt contracted before the passing of this Act which before the passing of this Act could not lawfully be levied therein towards the payment of the same.

XCIII. AND be it enacted, that the treasurer of every borough shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums shall have been received and paid; and the books containing the accounts shall at all seasonable times be open to the inspection of any of the aldermen or councillors of such borough; and all the accounts, with all vouchers and papers relating thereto, shall, in the months of March and September in every year, be submitted by the treasurer of the borough to the auditors herein-before provided to be elected, and to such member of the council as the mayor shall name on the first day of March in every year, or, in case of extraordinary vacancy, within ten days next after such vacancy, for the purpose of being examined and audited, from the first day of September in the year preceding to the first day of March, and from the first day of March to the first day of September in the year in which the said auditors were elected and named; and if the said accounts shall be found to be correct, the auditors shall sign the same; and after such accounts shall have been so examined and audited in the month of September in every year, the treasurer shall make out in writing, and shall cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of such borough, and copies thereof shall be delivered to all ratepayers of such borough applying for the same, on payment of a reasonable price for each copy.

XCIV. AND be it enacted, that it shall not be lawful for the council of any body corporate to be elected under this Act to sell, mortgage, or alienate the lands, tenements, or hereditaments of the said body corporate, or any part thereof, except in pursuance of some covenant, contract, or agreement bonâ fide made or entered into on or before the fifth day of June in this present year, by or on behalf of the body corporate of any borough, or of some resolution duly entered in the corporation books of such body corporate on or before the said fifth day of June, or to demise or lease, except in pursuance of some covenant, contract, or agreement bonâ fide made or entered into on or before the said fifth day of June by or on the behalf of such body corporate, or in pursuance of some resolutions duly entered in the corporation books of such body corporate on or before the said fifth day of June, or except in the cases herein-after mentioned, any lands, tenements, or hereditaments of such body corporate, or any part thereof, or to enter into any new covenant,

contract, or agreement (except in the cases herein-after mentioned) for demising or leasing any such lands, tenements, or hereditaments, or any part thereof, for any term exceeding thirty-one years from the time when such lease shall be made, or, if made in pursuance of a previous agreement, then from the time when such agreement shall have been entered into; and in every lease which the said council is not hereby restrained from making there shall (except in the cases herein-after mentioned) be reserved and made payable during the whole of the term thereby granted such clear yearly rent as to the council shall appear reasonable, without taking any fine for the same: Provided nevertheless, that in every case in which such council shall deem it expedient to sell and alienate or to demise and lease for a longer term than thirty-one years, or upon different terms and conditions than those herein-before mentioned, any of the said lands, tenements, or hereditaments, it shall be lawful for such council to represent the circumstances of the case to the lords commissioners of his Majesty's Treasury; and it shall be lawful for such council, with the approbation of the said lords commissioners or any three of them, to sell, alienate, and demise any of the lands, tenements, and hereditaments of the said body corporate in such manner and on such terms and conditions as shall have been approved by the said lords commissioners: Provided always, that notice of the intention of the council to make such application as aforesaid shall be fixed on the outer door of the town hall, or in some public and conspicuous place within the borough, one calendar month at least before such application; and a copy of the memorial intended to be sent to the said lords commissioners shall be kept in the town clerk's office during such calendar month, and shall be freely open to the inspection of every burgess at all reasonable hours during the same.

XCV. PROVIDED always, and be it enacted, that in all cases in which any body corporate shall on the fifth day of June in this present year have been bound or engaged by any covenant or agreement, express or implied, or have been enjoined by any deed, will, or other document, or have been sanctioned or warranted by ancient usage or by custom or practice, to make any renewal of any lease for years, or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or on the dropping of any life or lives, and years determinable after the lapse of any number of years, at a fine certain, or under any special or specific terms or conditions, and also in all cases in which any body corporate shall theretofore have ordinarily made renewal of any lease for years, or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or upon the dropping of any life or lives, upon the payment of an arbitrary fine, it shall be lawful for the council of such borough to renew such lease for such term or number of years, either absolutely or determinable with any life or lives, or for such life or lives, and at such rent, and upon the payment of such fine or premium, either certain or arbitrary, and with or without any covenant for the future renewal thereof, as such body corporate could or might have done in case this Act had not been passed.

Council may  
renew leases,  
&c.

XCVI. PROVIDED nevertheless, and be it enacted, that in any of the instances herein-after mentioned it shall be lawful for the council from time

Leases of build-  
ings and build-



ing ground may  
be made for  
seventy-five  
years,

to time to demise and lease, or to enter into any contract or agreement for demising and leasing, any of the said lands, tenements, or hereditaments, to any person, body politic, corporate, or collegiate, for any term not exceeding seventy-five years from the time of making such lease or agreement; (that is to say,) of tenements or hereditaments the greater part of the yearly value of which shall at the time of making the lease or agreement consist of any building or buildings, of land or ground proper for the erection of any houses or other buildings thereupon, with or without gardens, yards, curtilages, or other appurtenances to be used therewith, and, where the lessee or intended lessee shall covenant or agree to erect a building or buildings thereon of greater yearly value than such land or ground, of land or ground proper for gardens, yards, curtilages, or other appurtenances to be used with any other house or other building erected or to be erected on any such ground, belonging either to such body corporate or to any other proprietor, or proper for any other purpose calculated to afford convenience or accommodation to the occupiers of any such house or building.

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His Majesty's  
commission  
may be issued  
for certain per-  
sons to act as  
justices in  
boroughs.

XCVIII. AND be it enacted, that it shall be lawful for his Majesty from time to time to assign to so many persons as he shall think proper his Majesty's commission to act as justices of the peace in and for each borough, and in and for each of the counties of cities and towns respectively named in the said schedule (A.), and in and for such of the boroughs in the said schedule (B.) to which his Majesty may be pleased upon the petition of the council thereof to grant a commission of the peace: Provided nevertheless, that every person so to be assigned shall reside within the borough for which he shall be so assigned, or within seven miles of such borough, or of some part thereof, during such time as he shall act as a justice of the peace in and for such borough.

His Majesty,  
if the council  
make a bye  
law fixing the  
salary, may  
appoint salaried  
police magis-  
trates.

XCIX. AND be it enacted, that if the council of any borough shall think it requisite that a salaried police magistrate or magistrates be appointed within such borough, such council is hereby empowered to make a bye law fixing the amount of the salary which he or they are to receive in that behalf; and such bye law so made by any council as aforesaid shall be transmitted to one of his Majesty's principal secretaries of state, and it shall be lawful thereupon for his Majesty, if he shall think fit, to appoint one or more fit persons, according to the number fixed in the said bye law (being barristers at law of not less than five years standing), to be during his Majesty's pleasure police magistrate or magistrates and a justice or justices of the peace for such borough, and to direct that such sum shall be paid quarterly out of the borough fund of such borough as will be sufficient to pay such yearly salary to each of the justices so assigned as last aforesaid, not exceeding in the whole the salary mentioned in the prayer of such petition, clear of all fees or deductions, as to his Majesty shall seem fit; and the treasurer of such borough shall thereupon pay to each justice so assigned as last aforesaid, out of the borough fund of such borough, the salary so directed to be paid, by four equal quarterly payments, and in the same proportion up to the time of the death of such justice or his ceasing to act under such assignment as aforesaid; provided that in every case of vacancy of the office of police magistrate in any borough aforesaid no new appointment of police magistrate in such borough shall be made until the council shall again make application to one of his Majesty's principal secretaries of state in that

behalf, and as in the case of the first appointment of a police magistrate in such borough.

C. AND be it enacted, that the council of every borough, to which a separate commission of the peace shall be granted under the provisions of this Act, shall be authorized and required to provide and furnish one or more fit and suitable office or offices, to be called "The Police Office" or "Offices" of the borough, for the purpose of transacting the business of the justices of such borough, and to pay from time to time out of the borough fund such sums as may be necessary for providing, upholding, and furnishing, and for the necessary expences of such police office or offices; provided that no room in any house licensed as a victualling house or alehouse shall be used for the purposes of any such police office.

Where a separate commission of the peace is granted, council shall provide a police office.

CI. AND be it further enacted, that every person assigned to keep the peace within any borough under the provisions of this Act, or any of them, shall, during the continuance of such assignment, execute the duties of a justice of the peace in and for the borough for which he shall have been so assigned, although he may not have such qualification by estate as is required by law in the case of other persons being justices of the peace for a county, provided that such person be not disqualified by law to act as a justice of the peace for any other cause or upon any other account than in respect of estate, and although such person may not be a burgess of the borough in and for which he shall have been assigned to act as a justice of peace; and that every summons for the appearance of any person, or warrant to compel such appearance, or warrant for the apprehension of any person charged with any offence, or search warrant, issued by any justice of the peace acting in and for any borough in any matter within his jurisdiction, may be respectively served and executed within any county in which the said borough shall be situated, or within any distance not exceeding seven miles from such borough, and within such limits as aforesaid shall have the same force and effect as if the same had been originally issued or subsequently indorsed by a justice of the peace having jurisdiction in the place where the same shall be served or executed, any law, statute, charter, or usage to the contrary notwithstanding; and every such summons and warrant shall and may be lawfully served or executed within such limits as aforesaid by the constable or special constable to whom the same shall be directed: Provided nevertheless, that no such person, by virtue of such assignment, shall act as a justice of the peace at any court of gaol delivery or general or quarter sessions, or in making or levying any county rate, or rate in the nature of a county rate.

Borough justices need not be qualified by estate, nor be burgesses.

Summons, &c. of justices may be served, &c. in the county.

Such justices not to sit in courts of gaol delivery, &c.

CII. AND be it enacted, that it shall be lawful for the justices of every borough to which a separate commission of the peace shall be granted as aforesaid, at their first or any other meeting, and they are hereby respectively required, to appoint a fit person to be the clerk to the justices of such borough, to be removable at their pleasure, and so as often as there shall be a vacancy in the said office of clerk to the justices by death, resignation, removal, or otherwise;

Justices to appoint a clerk.

CIII. AND be it enacted, that the council of every borough which shall be desirous that a separate court of quarter sessions of the peace shall be or continue to be holden in and for such borough shall signify the same by petition to his Majesty in council, setting forth the grounds of the application, the

His Majesty may grant a separate court of quarter sessions, and

appoint a recorder, in certain boroughs ;

who shall be a justice of the peace for the borough ;

and ineligible to serve in Parliament for the borough, or to be alderman, councillor, or police magistrate.

2 & 3 Will. 4. c. 45.

Recorder and justices to take oaths and make declaration before acting.

Recorder to hold quarter sessions of the peace for the borough.

state of the gaol, and the salary which they are willing to pay to the recorder in that behalf; and it shall be lawful for his Majesty, if he shall be pleased thereupon to grant that a separate court of quarter sessions of the peace shall be thenceforward holden in and for such borough, to appoint for such borough, or for any two or more of such boroughs conjointly, a fit person, being a barrister at law of not less than five years standing, who shall be and be called the recorder of such borough or boroughs, and shall hold such office during his good behaviour, and upon any vacancy in any such office to appoint another fit person, being a barrister at law of not less than five years standing, to be the recorder in the place of the person so making such vacancy; and the council of every such borough shall appoint a fit person to be clerk of the peace during his good behaviour; and the recorder for the time being of any borough shall be a justice of the peace of and for such borough, although he may not have such qualification by estate as is required by law in the case of any other person being a justice of the peace for a county; and such recorder shall have precedence in all places within the borough of which he may be the recorder next after the mayor thereof; and in such case it shall be lawful for his Majesty to direct that an annual salary, not exceeding the sum stated in the petition of the council, shall be paid to such recorder by the treasurer of such borough out of the borough fund: Provided always, that no person being such recorder as aforesaid shall be eligible to serve in Parliament for such borough, nor shall he be an alderman, councillor, or police magistrate of such borough: Provided nevertheless, that nothing in this Act contained shall be construed to disqualify any such recorder from being appointed a barrister to revise any list of voters under the provisions of an Act passed in the second year of his Majesty, intituled "An Act to amend the representation of the " people in England and Wales," or from being eligible to serve in Parliament, otherwise than is herein-before provided: . . . . .

CIV. PROVIDED nevertheless, and be it enacted, that no recorder or person assigned to keep the peace within any such borough shall be capable of acting as recorder or justice of the peace within such borough until he shall have taken the oaths provided to be taken by justices of the peace, except the oath as to qualification by estate, and until he shall have made before the mayor or before any two or more of the aldermen or councillors of such borough (who is and are hereby authorized and required to administer the same) a declaration in the following form; (that is to say.)

' I A. B. do hereby declare, that I will faithfully and impartially execute the office of recorder [or justice of the peace] for the borough of according to the best of my judgment and ability.'

CV. AND be it enacted, that the recorder of every borough shall hold once in every quarter of a year, or at such other and more frequent times as the said recorder in his discretion may think fit, or as his Majesty shall think fit to direct, a court of quarter sessions of the peace in and for such borough, of which court the recorder of such borough shall sit as the sole judge; and such court of quarter sessions of the peace shall be a court of record, and shall have cognizance of all crimes, offences, and matters whatsoever cognizable by any court of quarter sessions of the peace for counties in England; and the said recorder shall have power to do all things necessary for exercising such jurisdiction, notwithstanding his being such sole judge, as fully as any such last-

mentioned court: Provided nevertheless, that no recorder, by virtue of his office, shall have power to make or levy any county rate, or rate in the nature of a county rate, or to grant any licence or authority to any person to keep an inn, alehouse, or victualling house, to sell exciseable liquors by retail, or to exercise any of the powers herein specially vested in the council of such borough.

Recorder not to make or levy county rate, &c.

**CVI.** AND be it enacted, that in the absence of the recorder and deputy recorder the mayor shall be authorized and required, at the proper times appointed for the holding of such court of quarter sessions of the peace in and for such borough, to open the said court, and to adjourn over the holding of the same, and to respite all recognizances conditioned for appearing at the same, until such further day as such mayor then and there, and so from time to time, shall cause to be proclaimed: Provided nevertheless, that nothing in this Act contained shall authorize or require any such mayor to sit as a judge of the said court for the trial of offenders, or to do any other act in the character of a judge of such court, save only in opening and adjourning the same, and respiting the said recognizances in manner aforesaid.

Mayor, in the absence of the recorder and deputy recorder, may open and adjourn the court.

**CVII.** AND be it enacted, that after the first day of May one thousand eight hundred and thirty-six all powers and jurisdictions to try treasons, capital felonies, and all other criminal jurisdictions whatsoever granted or confirmed by any law, statute, letters patent, grant, or charter whatsoever, to any mayor, bailiff, alderman, recorder, or other corporate or chartered officer, or corporate or chartered justice of the peace whomsoever, in any borough, and all right of any body corporate in any borough, or any of the members thereof, by virtue of any law, statute, letters patent, grant, or charter whatsoever, to elect or nominate any justices to keep the peace in or for any borough, or by any members of any such corporate body to act as such justices of the peace in or for any of the last-named boroughs, other than is herein declared, shall cease: . . . . .

Capital and other criminal jurisdictions, &c. in boroughs, except as specified in this Act, abolished.

**CVIII.** AND be it enacted, that from and after the passing of this Act so much of all laws, statutes, and usages, and so much of all royal and other charters, grants, and letters patent heretofore granted to any borough or body corporate, whereby such borough, or any place within the precincts or liberties of the same, or such body corporate, or the freemen or inhabitants of the same, claims or claim to be exempted and released from the jurisdiction and office of the lord high admiral of England, or of the High Court of the Admiralty of England, or whereby any body corporate, or any mayor, bailiff, recorder, steward, or other chartered or corporate officer of any borough has or claims any thing belonging to the office of admiral, whether or not to be exercised by virtue of any commission to them or any of them to be directed, shall be and the same is hereby repealed: Provided nevertheless, that nothing in this Act contained shall extend to alter or affect the jurisdiction and office of the lord warden in his office of admiral of the cinque ports: Provided also, that all suits and matters, wherein before the passing of this Act the rights of any salvors, or any droits or perquisites to the office of admiral belonging, were drawn into question, may be continued, heard, determined, and adjudicated upon in like manner as if this Act had not passed.

Abolition of exemptions from admiralty jurisdiction.

**CIX.** AND whereas an Act was passed in the thirty-eighth year of his late Majesty George the Third, intituled "An Act to regulate the trial of causes,

38 Geo. 3. c. 52, s. 10.

repealed in  
part.

Berwick-upon-  
Tweed to be a  
county of a  
town.

Indictment and  
trial of offences  
committed in  
counties of  
cities and  
towns cor-  
porate.

“indictments, and other proceedings which arise within the counties of  
“certain cities and towns corporate within this kingdom,” but certain cities  
and counties of cities were excepted out of the operation of the same: And  
whereas it is expedient to repeal in part the said exceptions: Be it therefore  
enacted, that so much of the last-recited Act as provides that nothing therein  
contained shall extend or be construed to extend to the city or county of the  
city of Bristol, or the city or county of the city of Chester, or to the criminal  
jurisdiction of the city of Exeter and county of the same city, shall be and  
the same is hereby repealed; and that the town of Berwick-upon-Tweed shall  
be taken to be a county of a town corporate, and to be within all the  
provisions of the last-recited Act; and that after the first day of May in the  
year one thousand eight hundred and thirty-six, and until his Majesty shall  
be pleased to direct a commission of oyer and terminer and gaol delivery to  
be executed within any county of a city or town corporate, all bills of indict-  
ment for offences committed within such county of a city or town corporate  
shall be preferred, and all proceedings upon such indictments shall be had, as  
in the last-recited Act is authorized to be done; and the counties of the cities  
and towns corporate named in the first column of the schedule (C.) to this  
Act annexed shall be considered as next adjoining to the county named in  
conjunction with the same respectively in the second column of the said  
schedule (C.)

\* \* \* \* \*

County justices  
to have juris-  
diction in all  
boroughs  
which have not  
a separate  
court of quar-  
ter sessions  
under this Act,  
&c.

CXI. AND be it enacted, that after the said first day of May one thousand  
eight hundred and thirty-six the justices assigned or hereafter to be assigned  
to keep the peace in and for the county in which any borough is situated, to  
which his Majesty shall not have granted that a separate court of quarter  
sessions of the peace shall be holden in and for the same, shall exercise the  
jurisdiction of justices of the peace in and for such borough as fully as by law  
they and each of them can or ought to do in and for the said county; and no  
part of any borough, in and for which a separate court of quarter sessions of  
the peace shall be holden, shall be within the jurisdiction of the justices of  
any county from which such borough before the passing of this Act was  
exempt, any law, statute, letters patent, charter, grant, or custom to the  
contrary notwithstanding.

Boroughs  
having a sepa-  
rate court of  
quarter sessions  
not to be  
assessed to  
county rates.

CXII. AND be it enacted, that within ten days after the grant of a separate  
court of quarter sessions of the peace to any borough the council of such  
borough shall send a copy of such grant, sealed with the seal of the borough,  
to the clerk of the peace of the county in which such borough or any part  
thereof is situated; and after the grant of such court to any borough it shall  
not be lawful for the justices of the peace of any county wherein such borough  
or part of such borough is situate to assess any messuages, lands, tenements,  
or hereditaments within such borough to any county rate thereafter to be  
made; but every part of every such borough shall thenceforward be wholly  
free and discharged from contributing, otherwise than is herein-after provided,  
to any rate or assessment of any kind of and for the county in which any  
part of such borough is situated: Provided nevertheless, that all arrears of  
such rates theretofore made may be levied and collected as if this Act had not  
been passed.

CXIII. AND whereas by an Act made in the seventh year of his late Majesty George the Fourth, intituled "An Act for improving the administration of criminal justice in England and Wales," it was enacted that all sums directed to be paid by virtue of that Act in respect of felonies and misdemeanors therein enumerated, committed in liberties, franchises, cities, towns, and places which do not contribute to the payment of any county rate, should be paid as therein is directed: Be it therefore enacted, that all sums directed to be paid by virtue of the last-recited Act in respect of felonies and such misdemeanors as aforesaid, committed or supposed to have been committed in any borough in which a separate court of quarter sessions of the peace shall be holden, shall be paid out of the borough fund of such borough, any thing in the said Act contained notwithstanding; and the order of court shall in every such case be directed to the treasurer of such borough instead of the treasurer of the county.

7 Geo. 4. c. 64.  
s. 25.

Sums in respect of offences committed in boroughs having a court of quarter sessions shall be paid out of the borough fund.

CXIV. AND be it enacted, that the treasurer of every county in England and Wales shall keep an account of all costs arising out of the prosecution, maintenance, and punishment, conveyance and transport of all offenders committed for trial to the assizes in such county from any borough in which a separate court of quarter sessions of the peace shall be holden; and the treasurer of every such county shall, not more than twice in every year, send a copy of the said account to the council of each of the said boroughs, and shall make an order for payment of the same on the council of such borough; and the council of every such borough shall forthwith order the same, with all reasonable charges of making and sending such account, to be paid to the treasurer of such county out of the borough fund; and in case any difference shall arise concerning the said account, it shall be decided by the arbitration of a barrister to be named as is provided in the case of differences with respect to the payment of monies under contracts made by authority of an Act made in the fifth year of his late Majesty King George the Fourth, intituled "An Act for amending an Act of the last session of Parliament, relating to the building, repairing, and enlarging of certain gaols and houses of correction, and for procuring information as to the state of all other gaols and houses of correction in England and Wales": Provided that nothing herein contained shall be construed to alter or restrain the powers given by the last-mentioned Act of contracting with the justices of the peace having authority or jurisdiction in and over any gaol or house of correction of the county wherein or where such borough is situated, or whereto it is adjacent, for the conveyance, support, and maintenance in such last-mentioned gaol or house of correction of prisoners committed thereto from such borough, save only that all such powers shall after the first day of May one thousand eight hundred and thirty-six be vested in the council of such borough in the name of the body corporate whose council they are, and in none other; and for the purpose of making such contracts as aforesaid the council of such borough, and none other, shall have power to make the orders required by the said last-mentioned Act to be made by the justices of the borough at the borough sessions.

Treasurers of counties to keep an account of expences of prosecution, &c. of offenders sent from such boroughs for trial at the assizes, and make order on the council for payment thereof.

In case of difference respecting such account the same to be referred to arbitration, as provided in 5 Geo. 4. c. 85., &c.

\* \* \* \* \*

CXVII. AND be it enacted, that the treasurer of every county in England and Wales shall keep an account of all sums of money received in aid or on account of the county rate, and of the sum of money expended out of the

Boroughs to pay a proportion of the other county expenditure.

2 & 3 Will. 4.  
c. 64.

In case of  
difference  
respecting  
amount the  
same shall be  
referred to  
arbitration, as  
provided in  
5 Geo. 4. c. 85.

Borough courts  
of record to be  
holden as here-  
tofore, but in  
certain cases  
with extended  
jurisdiction.

county rate for other purposes than the costs arising out of the prosecution, maintenance, and punishment, conveyance and transport of offenders committed for trial in such county, and, in the case of boroughs having a separate court of quarter sessions of the peace, other than out of coroners inquests, and shall, not more than twice in every year, send a copy of the said account to the council of every borough situate within such county in which a separate court of quarter sessions of the peace shall be holden, and which before the passing of the said Act, intituled "An Act to settle and describe the divisions of counties and the limits of cities and boroughs in England and Wales, so far as respects the election of members to serve in Parliament," was chargeable with or liable to contribute in whole or in part to the county rate of such county, and shall make an order on the council of every such borough for the payment of such proportion of such sum as would have been chargeable, after deducting all sums of money received in aid of the county rate as aforesaid, if this Act had not passed, upon such borough, as the same shall be bounded according to the provisions of this Act; and the council of such borough shall forthwith order the same, with all reasonable charges of making and sending the said account, to be paid to the treasurer of such county out of the borough fund; provided that in case any difference shall arise concerning the last-mentioned account it shall be decided by the arbitration of a barrister to be named as is provided in the case of differences with respect to the payment of monies under contracts made by authority of the said Act made in the fifth year of his late Majesty King George the Fourth, intituled "An Act for amending an Act of the last session of Parliament, relating to the building, repairing, and enlarging of certain gaols and houses of correction, and for procuring information as to the state of all other gaols and houses of correction in England and Wales."

CXVIII. AND be it enacted, that in every borough in which by charter or custom there is or ought to be holden a court of record for the trial of civil actions not regulated by the provisions of any local Act of Parliament, or in which, at the time of the passing of this Act, a barrister of five years standing shall not act as judge or assessor, the recorder, or, in the absence of the recorder or in case there shall not be a recorder, such officer of the borough as by the charter constituting such court or by custom shall be the judge of such court, shall continue to be and act as such judge; and the council of such borough in every case, whether such court be regulated by the provisions of a local Act of Parliament or otherwise, shall have power for that purpose to appoint the necessary officer, other than the recorder, before whom such court is to be holden; and every such judge or assessor, other than the mayor, shall hold his office during his good behaviour; and the judge of every such court shall hold the said court at such times and places, and with such rules of practice, and with the same powers and jurisdiction as belonged to the said court at the time of passing this Act: Provided always, that in every case in which such court had not before the passing of this Act authority to try such actions as are herein-after next mentioned, any such court, in which a barrister of five years standing shall act as judge or assessor, shall have authority to try actions of assumpsit, covenant, and debt, whether the debt be by specialty or on simple contract, and all actions of trespass or trover for taking goods and chattels, provided the sum or damages sought to be recovered shall not exceed

twenty pounds, and all actions of ejectment between landlord and tenant wherein the annual rent of the premises of which possession is sought to be recovered shall not exceed twenty pounds, and upon which no fine shall have been reserved or made payable: Provided also, that every such judge respectively from time to time may make rules for regulating the practice of such court over which he presides, but so that no such rules shall be of force until they shall have been allowed and confirmed by three or more judges of the superior courts of common law at Westminster: Provided also, that the jurisdiction of every court of record for the trial of civil actions within any borough shall be extended so far as the metes and bounds of every such borough, as the same shall be and be declared under the provisions of this Act: Provided also, that no action shall be tried by any such judge, wherein the title to land, whether freehold, copyhold, or leasehold, or other tenure whatsoever, or to any tithe, toll, market, fair, or other franchise shall be in question, in any court which before the passing of this Act had not authority to try actions in which such titles as last aforesaid were in question; and in case it shall appear in the course of any action in such court as last aforesaid, or shall be made to appear upon oath to such court as last aforesaid, that any such title as last aforesaid is in question in such action, that then the jurisdiction of such court as last aforesaid in the matter of such action shall cease, and it shall be in the discretion of the court to award costs against the party commencing the same.

No action affecting title to land, &c. to be tried therein.

CXIX. AND be it enacted, that the council of every borough, in which there shall be holden a court of record for the trial of civil actions as aforesaid, shall appoint a registrar of such court, except in boroughs where the town clerk acts as such registrar, and such other officers and servants as are necessary for carrying on the business and executing the process of such court; provided that no registrar or other officer of such court shall, by himself or any partner, or by his or their clerks, practise as an attorney in such court, nor shall any such partner or clerk act as agent for any other attorney in such court: Provided also, that, unless disqualified as herein provided, every attorney of his Majesty's superior courts at Westminster shall have full liberty to practise as an attorney in every such court.

Council to appoint registrar and other necessary officers of the court.

\* \* \* \* \*

CXXI. AND be it enacted, that every person, being a burgess of any borough wherein there shall be a separate court of sessions of the peace or a court of record for the trial of civil actions, (unless he shall be exempt or disqualified, otherwise than in respect of property, from serving on juries by virtue of an Act passed in the sixth year of the reign of King George the Fourth, intituled "An Act for consolidating and amending the laws relative to jurors and juries,") shall be qualified and liable to serve on grand juries in such borough, and also upon juries for the trial of all issues joined in any court of quarter sessions of the peace, and in any court of record for the trial of civil actions triable within the borough of which such person shall be a burgess; and the clerk of the peace of every such borough shall give public notice of the time and place of holding every such quarter sessions of the peace, ten days at the least before the holding thereof, and shall, seven days at the least before the holding thereof, cause to be summoned a sufficient number of persons, being qualified and liable as aforesaid, to serve as grand

Who to be jurors in boroughs.

6 Geo. 4. c. 50.

Notice of sessions, and summoning of jurors, &c.



jurors at such sessions; and the clerk of the peace and registrar of the court of record respectively shall also cause to be summoned not less than thirty-six nor more than sixty persons so qualified and liable as aforesaid to serve as jurors at every such sessions, and at the holding of every such court of record for the trial of causes, in case there shall be any cause then to be tried; and such summons shall be made by showing to the person to be summoned, or in case he shall be absent from the usual place of his abode by leaving with some person therein inhabiting, notice under the hand of such clerk of the peace or registrar respectively containing the substance of such summons; and such clerk of the peace shall make out a list of the names of such persons so summoned as grand jurors, and the clerk of the peace and registrar respectively shall also make out a panel of such persons so summoned other than grand jurors, and such list and panel shall respectively contain therein the christian names and surnames, places of abode, and descriptions of the several persons therein named; and if any person, having been duly summoned to attend on any jury, shall not attend in pursuance of such summons, or, being thrice called, shall not answer to his name, or after his appearance wilfully withdraw himself from the presence of the court, the court shall impose such fine upon every person so making default (unless some reasonable excuse shall be proved to the satisfaction of the court) as the court shall think meet; and if any person on whom such fine shall be imposed shall refuse to pay the same to the person who shall be authorized by the court to receive the same, it shall be lawful for the court, then or at its next sitting, by order of the court, signed by the clerk of the peace or registrar respectively, to cause to be levied, by distress and sale of the goods of the person on whom such fine shall have been imposed, every such fine, and the reasonable charges of such distress and sale; and every fine so received shall be paid to the treasurer of the borough, to be by him carried to the account of the borough fund herein-before mentioned: Provided nevertheless, that no person shall be summoned to serve as a juror at such sessions or court of record oftener than once in one year.

Fine on jurors for non-attendance.

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Exemptions by charter, &c. from serving on juries abolished.

CXXIII. AND be it enacted, that after the passing of this Act no person in any borough shall continue to be exempt from serving on juries in any of the King's courts of record at Westminster, or in the superior courts, civil or criminal, of the counties palatine of Lancaster and Durham, or in any court of assize, nisi prius, oyer and terminer, gaol delivery, or sessions of the peace, or in any other of the King's courts, by virtue of any writ, grant, charter, prescription, or otherwise;

Fees payable to the clerk of the peace, clerk to the magistrates, and registrar and officers of the court of record.

CXXIV. AND be it enacted, that the council of every borough shall and they are hereby required, within six calendar months next after their election, to make and settle a table of the fees which shall be taken by the clerk of the peace in those boroughs in which a separate court of quarter session of the peace shall be holden, and, in those boroughs to which a commission of the peace shall have been granted, a table of the fees to be taken by the clerk to the justices, and, in those boroughs in which there shall be a court of record, a table of the fees to be taken by the registrar and officers of such court; and such tables of fees shall be submitted to one of his Majesty's principal secretaries of state; and when such tables of fees shall be confirmed and allowed

by such secretary of state, either as such table shall have been submitted to him, or with such alterations, additions, or abatements as he shall think proper, the fees therein mentioned may thenceforth be lawfully taken by the person therein named to be entitled thereunto; and it shall be lawful for the council of such borough, from time to time, as occasion may require, to make new tables of fees to be taken instead of the fees contained in the tables which shall have been made as aforesaid, which new table shall be confirmed and allowed in the manner herein-before mentioned, otherwise the same shall be of no validity; and that, until tables of the fees so to be taken in any such borough shall have been made and confirmed as aforesaid, it shall be lawful for such clerk of the peace at the quarter sessions for any such borough, and such clerk to the justices, to take the fees authorized by the table for the time being to be taken by the clerk of the peace at the quarter sessions and clerk to the justices respectively for the county within or adjoining to which such borough is situated, and for the registrar and officers of such court of record to take the fees usually taken by them before the passing of this Act.

CXXV. AND be it enacted, that the town clerk of every borough shall cause a true copy of the tables of fees in force for the time being to be hung up in a conspicuous part of the room in which the business of his office is transacted, and also in the room wherein the justices of the peace of such borough shall sit for transacting their business, and also in the room wherein the court of quarter sessions of the peace for the borough shall be held, and also in the court of record of the said borough.

Tables of fees  
to be hung up.

CXXVI. AND be it enacted, that when by any Act any penalties or forfeitures are or shall hereafter be made recoverable in a summary manner before any justice or justices of the peace, and by such Act respectively the same are or shall be limited and made payable to his Majesty, or to any body corporate, or to any person whomsoever, save and except the informer, who shall sue for the same, or any party aggrieved, in every such case the same, if recovered and adjudged before any justice of any borough in which a separate court of quarter sessions of the peace shall be holden as aforesaid, shall, notwithstanding any thing in such Act respectively contained, be recovered for and adjudged to be paid to the treasurer of such borough for the time being, to the credit and on account of the borough fund of such borough; and no such penalty or forfeiture, or share of such penalty or forfeiture, shall in any case be recovered by or adjudged to be paid to any other person than the said treasurer, unless such person be the informer or the party aggrieved: Provided always, that nothing herein contained shall extend to any penalties or forfeitures recovered under any Act relating to the customs, excise, and post office, or to trade or navigation, or any branch of his Majesty's revenue.

Application of  
penalties.

CXXVII. AND for the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act, be it enacted, that the prosecution for every such offence shall be commenced within three calendar months after the commission of the offence, and not otherwise; and that where any person shall be charged on the oath of a credible witness with any such offence before a justice of the peace, the justice may summon the party charged to appear before any two justices of the peace acting in and for the borough in which such offence shall have been committed, at a time and place

Limitation of  
time for pro-  
secution of  
offences  
punishable on  
summary con-  
viction under  
this Act, &c.

to be named in such summons ; and if such party shall not appear accordingly, the justices of the peace then and there present (upon proof of the due service of the summons by delivering a copy thereof to the party, or by delivering such copy at the party's usual place of abode to some inmate thereat, and explaining the purport thereof to such inmate,) may either proceed to hear and determine the case in the absence of the party, or may issue their warrant for apprehending and bringing such party before them, as they shall think proper.

Power of  
borough jus-  
tices to sum-  
mon witnesses.  
Penalty for  
disobedience of  
summons, &c.

CXXVIII. AND be it enacted, that it shall be lawful for any justice of the peace acting in and for any borough to issue his summons requiring any person to appear before any such justices of the peace for the purpose of giving evidence touching any offence against this Act ; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the justices of the peace then and there present, or if any person appearing in obedience to such summons shall refuse to be examined on oath touching any such offence by the justices then and there present, every person so offending shall, on conviction thereof before the said justices or any other justices of the peace, forfeit and pay such sum of money not exceeding five pounds as to the convicting justices shall seem meet ; . . . . . and no justice of the peace shall be disabled from acting in the execution of this Act by reason of his being liable to the rate contributing to the borough fund of any borough.

Justice may  
act though  
liable to bo-  
rough rate.

Payment, &c.  
of penalties on  
summary con-  
viction.

CXXIX. AND be it enacted, that the justices of the peace, by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such person shall pay the same either immediately or within such period as the said justices shall think fit ; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, with the reasonable charges of such distress ; and for want of sufficient distress such offender shall be imprisoned, with or without hard labour, in the common gaol or house of correction, as to the convicting justices shall seem meet, for any term not exceeding one calendar month where the sum to be paid shall not exceed five pounds, and for any term not exceeding two calendar months in any other case ; the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

Form of sum-  
mary convic-  
tion.

CXXX. AND be it enacted, that the justices of the peace before whom any person shall be summarily convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words, or in any other words to the like effect, as the case may require ; (that is to say,)

' to wit, } **B**E it remembered, that on the                      day of                      in  
the year of our Lord                      , in the borough of  
' in the county of                      , A.O. is convicted before us, J.P. and J.J.P.,  
' two of his Majesty's justices of the peace for the said county [or borough,  
' or otherwise, as the case may be], for that the said A.O. did [here specify  
' the offence, and the time and place when and where the same was com-  
' mitted, as the case may be] ; and we do adjudge that the said A.O. shall  
' for the said offence forfeit the sum of                      , and shall pay the  
' same immediately [or shall pay the same on or before the                      day of

] to the treasurer for the said borough, to be by him applied according to the directions of the statute in that case made and provided. Given under our hands the day and year first above mentioned.'

CXXXI. AND be it enacted, that any person who shall think himself aggrieved by any summary conviction in pursuance of this Act may appeal to the next court of general or quarter sessions of the peace to be holden not less than twelve days after such conviction for the county or for the borough wherein the cause of complaint shall have arisen, provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with a sufficient surety, before a justice of the peace, within such three days, or at any time during his custody, on giving to the complainant three days notice in writing of his intention so to do, and of the name, description, and place of abode of his proposed surety, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given and such recognizance entered into the justice before whom the same shall be entered into shall liberate such person if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and, in case of the dismissal of the appeal or the affirmance of the conviction, shall order and adjudge the offender to be dealt with and punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

Appeal against summary convictions under this Act.

CXXXII. AND be it enacted, that no conviction, order, warrant, or other matter made or purporting to be made by virtue of this Act shall be quashed for want of form, or be removed by certiorari or otherwise into any of his Majesty's courts of record at Westminster; and no warrant of commitment shall be held void by reason of any defect therein, provided that it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and where any distress shall be made for levying any money by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, in an action upon the case.

No conviction, &c. to be removed by certiorari, &c. Informality in warrants, &c. not to avoid the same.

CXXXIII. AND for the protection of persons acting in the execution of this Act, be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue,

Venue in proceedings against persons acting under this Act. Notice of action.

General issue.

Tender of  
amends, &c.

Costs.

Jurisdiction of  
courts of quar-  
ter sessions,  
&c. of the  
cinque ports.

and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court, after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases.

CXXXIV. AND be it enacted, that the courts of quarter sessions of the peace of the towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the ancient town of Rye, or of such of the said towns and ports and ancient town to which his Majesty shall grant a separate court of quarter sessions of the peace, shall have jurisdiction over offences and matters committed, arising, and happening as well within the boundaries of such towns and ports and ancient town respectively as within the ancient members and liberties not being corporate of the same respectively, . . . ; and the recorders, clerks of the peace, and coroners of the said towns and ports and ancient town respectively, or of such of them to which his Majesty shall grant a separate court of quarter sessions of the peace respectively, shall and may have and exercise the same jurisdiction, powers, and authorities within all places within or subject to the jurisdiction of such courts respectively as within the said ancient towns and ports and ancient town respectively of which they are or may be appointed recorders, clerks of the peace, or coroners.

Jurisdiction of  
justices, &c. in  
the cinque  
ports.

[CXXXV.\*] AND be it enacted, that the justices of the peace of the towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the ancient town of Rye, or of such of the said towns and ports and ancient town as shall have justices of the peace assigned to them by virtue of this Act, shall and may have and exercise the same jurisdiction, powers, and authorities over offences and matters committed, arising, and happening within the ancient members and liberties not being corporate of such towns and ports and ancient town respectively, as such justices shall and may have and exercise within the towns and ports and ancient town for which they are or may be respectively justices of the peace; and also his Majesty's justices of the peace, acting under the authority of a commission or commissions, issued by virtue of an Act passed in the fifty-first year of the reign of his late Majesty King George the Third, intituled "An Act to facilitate the execution of justice " within the cinque ports," shall and may have and exercise all the jurisdiction, powers, and authorities given to such justices by such Act of Parliament, as well within the members and liberties not being corporate of the said towns and ports and ancient town respectively as within the said towns named in the schedules to this Act being corporate members and liberties thereof, or any

51 Geo. 3.  
c. 86.

[\* Section 135 is rep., 18 & 19 Vict. c. 48. s. 5., from and after the day fixed in such order of her Majesty in council as in that Act mentioned, or from and after the granting of such charter of incorporation as in that Act mentioned, so far as concerns or affects the parishes or places named in such order, or, in case of a charter of incorporation, the part thereof comprised in such charter; but see 20 & 21 Vict. c. 1.]

of them, or any of the said towns and ports and ancient town which shall not have justices of the peace assigned to them by virtue of this Act: Provided always, that nothing herein contained shall affect the liability of all inhabitant householders within any of the members and liberties of the cinque ports and ancient towns thereof, not being corporate, to serve on juries at quarter sessions as heretofore.

Proviso as to juries in the cinque ports.

CXXXVI. PROVIDED always, and be it enacted, that nothing contained in this Act shall alter or affect certain letters patent bearing date in the fifth year of the reign of his Majesty King Edward the Sixth, founding a free grammar school at Louth, in the county of Lincoln, and creating a body corporate for the management and regulation thereof, and for the benefit of twelve poor persons mentioned in the said letters patent, by the name of the "Warden and Six Assistants of the Town of Louth and Free School of King Edward the Sixth in Louth"; but that the said warden and assistants shall continue and be a body corporate with perpetual succession under the provisions of the said letters patent, for the management and regulation of the said school and the purposes aforesaid only, and shall remain and be seised of and entitled to all lands, tolls, tenements, and hereditaments now vested in them for the purposes therein mentioned, in the same manner to all intents and purposes as if this Act had not been passed.

This Act not to affect letters patent of 5 Edw. 6. founding a grammar school at Louth.

CXXXVII. AND be it enacted, that nothing in this Act contained shall be construed to alter or affect the rights or privileges, duties or liabilities, of the chancellor, masters, and scholars of the universities of Oxford or Cambridge respectively, as by law possessed under the respective charters of the said universities or otherwise, or to entitle any person to be enrolled a citizen of the city of Oxford or burgess of the borough of Cambridge, by reason of his occupation of any rooms, chambers, or premises in any of the colleges or halls of the universities of Oxford or Cambridge, or either of them, or to compel any resident member of either of the said universities to accept any office in or under the body corporate of the mayor and citizens of the city of Oxford, or of the mayor and burgesses of the borough of Cambridge, or to authorize the levy of any rate within the precincts of the said universities, or of any of the colleges or halls of the same, which now by law cannot be levied therein.

Saving of the rights, &c. of the universities of Oxford and Cambridge.

CXXXVIII. AND be it enacted, that all the jurisdictions and authorities now exercised in and over the precinct or close of any cathedral shall be continued, as if this Act had not been passed, concurrently with the jurisdiction and authority of the justices of the peace of the borough within which such close is situated; and that nothing herein contained shall affect or interfere with the rights and privileges granted by charter or Act of Parliament to the university of Durham.

This Act not to affect jurisdiction over precincts of cathedrals, nor rights of university of Durham.

CXXXIX. AND be it enacted, that in every case in which any body corporate, or any particular class, number, or description of members, or the governing body of any body corporate, now is or are in their corporate capacity, and not as charitable trustees, according to the meaning and provisions of this Act, seised or possessed of any manors, lands, tenements, or hereditaments whereunto any advowson or right of nomination or presentation to any benefice or ecclesiastical preferment is appendent or appurtenant, or of any advowson in gross; or hath or have any right or title to nominate or present to any benefice or ecclesiastical preferment, every such advowson and every such right of

In cases where bodies corporate are seised in their corporate capacity of advowsons, &c., the same shall be sold as ecclesiastical commissioners may direct.

nomination and presentation shall be sold at such time and in such manner as the commissioners appointed by his Majesty to consider the state of the established church in England and Wales with reference to ecclesiastical duties and revenues may direct, so that the best price may be obtained for the same; and it shall be lawful for the council of such body corporate, and they are hereby authorized and required, with the consent of the said commissioners or any three or more of them in writing under their hands, to convey and assure under the common seal of such body corporate such advowson or such right of nomination or presentation as aforesaid to the purchaser or purchasers thereof respectively, his or their heirs, executors, administrators, and assigns, or to such uses as he or they shall direct; and the proceeds of every such sale shall be paid to the treasurer of the borough, whose receipt shall be a sufficient and effectual discharge to the purchaser or purchasers to whom the same shall be given for the amount of his or their purchase money, and shall be by him invested in government securities for the use of the body corporate, and the annual interest payable thereon shall be carried to the account of the borough fund: Provided always, that in any case of vacancy arising before any such sale shall have taken place and been completed, such vacancy shall be supplied by the presentation or nomination of the bishop or ordinary of the diocese in which such benefice or ecclesiastical preferment is situated.

Vacancy arising before sale to be supplied by bishop of the diocese.

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Interpretation of terms.

"Borough."

"Body corporate."

"Burgess."

"County."

"Trustees."

"Parish."

"Overseers of the poor."

"Mayor."

Number.

Misnomers, &c. not to affect operation of Act.

CXLII. AND be it enacted, that in the construction of this Act the word "borough" shall be construed to mean city, borough, port, cinque port, or town corporate, named in one of the said schedules (A.) and (B.); and the words "body corporate" shall be construed to mean body corporate named in one of the said schedules (A.) and (B.); and the word "burgess" shall be construed to mean citizen in the case of a city; and the word "county" shall be construed to mean county, riding, parts, liberty, or division; and the word "trustees" shall be construed to mean trustees, commissioners, or directors, or the persons charged with the execution of a trust or public duty, by whatever name they are designated; and the word "parish" shall be construed to mean parish, township, vill, hamlet, chapelry, tithing, district, precinct, or place maintaining its own poor; and the words "overseers of the poor" shall be construed to mean all persons who execute the duties of overseers of the poor; and that in all things herein-before provided to be done, until the first election of councillors in any borough under this Act shall have been declared, the word "mayor" shall be construed to mean the chief officer of a borough, by whatever name he is now called; and in describing any person or thing, any word importing the singular number shall be construed to mean also several persons or things respectively, unless there be something in the subject or context repugnant to such construction; and that no misnomer or inaccurate description of any person, body corporate, or place named in any schedule to this Act annexed, or in any roll, list, notice, or voting paper required by this Act, shall hinder the full operation of this Act with respect to such person, body corporate, or place, provided that the description of such person, body corporate, or place be such as to be commonly understood.

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## SCHEDULES to which this Act refers.

## SCHEDULE (A.)

## ENGLAND AND WALES.

## BOROUGHES which are to have a COMMISSION of the PEACE.

## SECTION 1.—PARLIAMENTARY BOUNDARIES to be taken until altered by Parliament.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Aberystwith -	0	4	12	Mayor and burgesses of the town, borough, and liberty of Aberystwith.
Abingdon -	0	4	12	Mayor, bailiffs, and burgesses of the borough of Abingdon.
Barnstaple -	2	6	18	Mayor, aldermen, and burgesses of the borough and parish of Barnstaple in the county of Devon.
Bath -	7	14	42	Mayor, aldermen, and citizens of the city of Bath.
Bedford -	2	6	18	Mayor, bailiffs, and burgesses of the town of Bedford.
Berwick-upon-Tweed -	3	6	18	Mayor, bailiffs, and burgesses of the borough of Berwick-upon-Tweed.
Bridgewater -	2	6	18	Mayor, aldermen, and burgesses of the borough of Bridgewater.
Bridport -	2	6	18	Bailiffs and burgesses of the borough of Bridport.
Bristol -	10	16	48	Mayor, burgesses, and commonalty of the city of Bristol.
Bury St. Edmund's -	3	6	18	Alderman and burgesses of Bury St. Edmunds in the county of Suffolk.
Cambridge -	5	10	30	Mayor, bailiffs, and burgesses of the borough of Cambridge.
Canterbury -	3	6	18	Mayor and commonalty of the city of Canterbury.
Cardiff -	2	6	18	Bailiffs, aldermen, and burgesses of the town of Cardiff.
Carlisle -	5	10	30	Mayor, aldermen, bailiffs, and citizens of the city of Carlisle.
Carmarthen -	3	6	18	Mayor, burgesses, and commonalty of the borough of Carmarthen.
Carnarvon -	2	6	18	Mayor, bailiffs, and burgesses of the town and borough of Carnarvon.
Chester -	5	10	30	Mayor and citizens of the city of Chester.
Chichester -	2	6	18	Mayor, aldermen, and citizens of the city of Chichester.
Colchester -	3	6	18	Mayor and commonalty of the borough of Colchester.
Dartmouth -	0	4	12	Mayor, bailiffs, and burgesses of the borough of Clifton Dartmouth Hardness in the county of Devon.
Denbigh -	0	4	12	Aldermen, bailiffs, and burgesses of the borough of Denbigh.
Derby -	6	12	36	Mayor, aldermen, and burgesses of the borough of Derby.
Devizes -	2	6	18	Mayor and burgesses of the borough of Devizes.
Dorchester -	0	4	12	Mayor, bailiffs, aldermen, and burgesses of the borough of Dorchester in the county of Dorset.
Dover -	3	6	18	Mayor, jurats, and commonalty of the town and port of Dover.
Durham -	3	6	18	Mayor, aldermen, and commonalty of the city of Durham and Framwelgate.
Evesham -	0	4	12	Mayor, aldermen, and burgesses of the borough of Evesham.
Gateshead -	3	6	18	Boroughholders and freemen of the borough of Gateshead.
Gloucester -	3	6	18	Mayor and burgesses of the city of Gloucester in the county of the city of Gloucester.
Guildford -	0	4	12	Mayor and burgesses of the town of Guildford in the county of Surrey.
Harwich -	0	4	12	Mayor and burgesses of the borough of Harwich.
Haverfordwest -	0	4	12	Mayor, sheriffs, bailiffs, and burgesses of the county of the town of Haverfordwest, or of the town and county of the town of Haverfordwest.
Hereford -	3	6	18	Mayor, aldermen, and citizens of the city of Hereford.
Hertford -	0	4	12	Mayor, aldermen, and commonalty of the borough of Hertford.
Ipswich -	5	10	30	Bailiffs, burgesses, and commonalty of the town or borough of Ipswich.
Kendal -	3	6	18	Mayor, aldermen, and burgesses of the borough of Kirby-in-Kendal in the county of Westmorland.
Kidderminster -	3	6	18	High bailiff and commonalty of the borough of Kidderminster in the county of Worcester.
Kingston-upon-Hull.	7	14	42	Mayor and burgesses of the town or borough of Kingston-upon-Hull.



Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
King's Lynn -	3	6	18	Mayor and burgesses of the borough of Lynn Regis.
Leeds -	12	16	48	Mayor, aldermen, and burgesses of the borough of Leeds in the county of York.
Leicester -	7	14	42	Mayor, bailiff, and burgesses of the borough of Leicester.
Leominster -	0	4	12	Bailiffs and burgesses of the borough of Leominster.
Lichfield -	2	6	18	Bailiff and citizens of the city of Lichfield.
Liverpool -	16	16	48	Mayor, bailiffs, and burgesses of the borough of Liverpool.
Macclesfield -	6	12	36	Mayor, aldermen, and burgesses of the borough of Macclesfield.
Monmouth -	0	4	12	Mayor, bailiffs, and commonalty of the town and borough of Monmouth.
Neath -	0	4	12	Portreeve, aldermen, and burgesses of the borough of Neath.
Newark -	3	6	18	Mayor and aldermen of the borough of Newark in the county of Nottingham.
Newcastle-under-Lyne.	2	6	18	Mayor, bailiffs, and burgesses of Newcastle-under-Lyne in the county of Stafford.
Newcastle-upon-Tyne.	7	14	42	Mayor and burgesses of the town of Newcastle-upon-Tyne in the county of the town of Newcastle-upon-Tyne.
Newport, Monmouth.	2	6	18	Mayor, aldermen, and burgesses of the borough of Newport.
Newport (Isle of Wight).	2	6	18	Mayor, aldermen, and chief burgesses of the borough of Newport in the Isle of Wight in the county of Southampton.
Northampton -	3	6	18	Mayor, bailiffs, and burgesses of Northampton.
Norwich -	8	16	48	Mayor, sheriffs, citizens, and commonalty of the city of Norwich.
Nottingham -	7	14	42	Mayor and burgesses of the town of Nottingham.
Oxford -	5	10	30	Mayor, bailiffs, and commonalty of the city of Oxford in the county of Oxford.
Pembroke -	2	6	18	Mayor, bailiffs, and burgesses of the town and borough of Pembroke.
Poole -	2	6	18	Mayor, bailiffs, burgesses, and commonalty of the town of Poole.
Portsmouth -	7	14	42	Mayor, aldermen, and burgesses of the borough of Portsmouth in the county of Southampton.
Preston -	6	12	36	Mayor, bailiffs, and burgesses of the borough of Preston in the county palatine of Lancaster.
Reading -	3	6	18	Mayor, aldermen, and burgesses of the borough of Reading in the county of Berks.
Ripon -	0	4	12	Mayor, burgesses, and commonalty of the borough of Ripon in the county of York.
Rochester -	3	6	18	Mayor and citizens of the city of Rochester in the county of Kent.
St. Albans -	0	4	12	Mayor and aldermen and burgesses of the borough of Saint Albans in the county of Hertford.
Sarum, New -	3	6	18	Mayor and commonalty of the city of New Sarum in the county of Wilts.
Scarborough -	2	6	18	Bailiffs and burgesses of the town of Scarborough.
Shrewsbury -	5	10	30	Mayor, aldermen, and burgesses of the town of Shrewsbury in the county of Salop.
Southampton -	5	10	30	Mayor, bailiffs, and burgesses of the town of Southampton.
Stafford -	2	6	18	Mayor, aldermen, and burgesses of the borough of Stafford.
Stamford -	2	6	18	Mayor, aldermen, and capital burgesses of the town or borough of Stamford in the county of Lincoln.
Stockport -	7	14	42	Mayor, aldermen, and burgesses of the borough of Stockport.
Sudbury -	0	4	12	Mayor, aldermen, and burgesses of the borough of Sudbury.
Sunderland -	7	14	42	Mayor, aldermen, and commonalty of the borough of Sunderland.
Swansea -	3	6	18	Portreeve, aldermen, and burgesses of the borough of Swansea.
Tiverton -	3	6	18	Mayor and burgesses of the town and parish of Tiverton in the county of Devon.
Truro -	2	6	18	Mayor, aldermen, and capital burgesses of the borough of Truro.
Warwick -	2	6	18	Mayor, aldermen, and burgesses of the borough of Warwick.
Wells -	0	4	12	Mayor, masters, and burgesses of the city or borough of Wells in the county of Somerset.
Weymouth and Melcombe Regis.	2	6	18	Mayor, aldermen, bailiffs, burgesses, and commonalty of the borough and town of Weymouth and Melcombe Regis in the county of Dorset.
Wigan -	5	10	30	Mayor, aldermen, and burgesses of the borough of Wigan.
Winchester -	3	6	18	Mayor, bailiffs, and commonalty of the city of Winchester.
Windsor -	2	6	18	Mayor, bailiffs, and burgesses of the borough of New Windsor in the county of Berks.
Worcester -	6	12	36	Mayor, aldermen, and citizens of the city of Worcester.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Yarmouth, Great	6	12	36	Mayor, aldermen, burgesses, and commonalty of the borough of Great Yarmouth in the county of Norfolk.

## SECTION 2.—MUNICIPAL BOUNDARIES to be taken until altered by Parliament.

Andevor	-	0	4	12	Bailiff, approved men, and burgesses of the borough of Andevor.
Banbury	-	0	4	12	Mayor, aldermen, and burgesses of the borough of Banbury in the county of Oxford.
Beverley	-	2	6	18	Mayor, aldermen, and burgesses of the borough of Beverley in the county of York.
Bewdley	-	0	4	12	Bailiffs, burgesses, and inhabitants of the town and borough of Bewdley.
Bideford	-	0	4	12	Mayor, aldermen, and capital burgesses of the borough, town, and manor of Bideford in the county of Devon.
Boston	-	3	6	18	Mayor, aldermen, and burgesses of the borough of Boston.
Brecon	-	0	4	12	Bailiff, aldermen, and burgesses of the borough of Brecon.
Bridgenorth	-	0	4	12	Bailiffs, aldermen, and burgesses of the borough of Bridgnorth.
Clitheroe	-	0	4	12	Bailiffs and burgesses of the borough of Clitheroe in the county of Lancaster.
Chesterfield	-	0	4	12	Mayor, aldermen, and burgesses of the borough of Chesterfield.
Congleton	-	3	6	18	Mayor, aldermen, and burgesses of the borough of Congleton in the county of Chester.
Coventry	-	6	12	36	Mayor, bailiffs, and commonalty of the city of Coventry.
Deal	-	2	6	18	Mayor, jurats, and commonalty of the town of Deal in the county of Kent.
Doncaster	-	3	6	18	Mayor, aldermen, and burgesses of the borough of Doncaster in the county of York.
Exeter	-	6	12	36	Mayor, bailiffs, and commonalty of the city of Exeter.
Falmouth	-	0	4	12	Mayor, aldermen, and burgesses of the town of Falmouth in the county of Cornwall.
Grantham	-	0	4	12	Aldermen and burgesses of the town or borough of Grantham.
Gravesend	-	2	6	18	Mayor, jurats, and inhabitants of the villages and parishes of Gravesend and Melton in the county of Kent.
Grimsby	-	0	4	12	Mayor and burgesses of the town of Grimsby in the county of Lincoln.
Hastings	-	3	6	18	Mayor, jurats, and commonalty of the town and port of Hastings in the county of Sussex.
Kingston-upon-Thames.	-	3	6	18	Bailiffs and freemen of the borough of Kingston-upon-Thames.
Lancaster	-	3	6	18	Mayor, bailiffs, and commonalty of the town of Lancaster in the county palatine of Lancaster.
Lincoln	-	3	6	18	Mayor, sheriffs, citizens, and commonalty of the city of Lincoln.
Liskeard	-	0	4	12	Mayor and burgesses of the borough of Liskerret otherwise Liskeard in the county of Cornwall.
Louth	-	2	6	18	Warden and six assistants of the town of Louth and free school of King Edward the Sixth in Louth.
Ludlow	-	0	4	12	Bailiffs, burgesses, and commonalty of the town and borough of Ludlow.
Maidstone	-	3	6	18	Mayor, jurats, and commonalty of the King's town and parish of Maidstone in the county of Kent.
Maldon	-	0	4	12	Mayor, aldermen, and capital burgesses and commonalty of Maldon.
Newbury	-	0	4	12	Mayor, aldermen, and burgesses of the borough of Newbury.
Oswestry	-	2	6	18	Mayor, aldermen, common councilmen, and burgesses of Oswestry.
Penzance	-	2	6	18	Mayor, aldermen, and commonalty of the town of Penzance in the county of Cornwall.
Plymouth	-	6	12	36	Mayor and commonalty of the borough of Plymouth.
Pontefract	-	0	4	12	Mayor, aldermen, and burgesses of the borough or town of Pontefract.
Richmond	-	0	4	12	Mayor and aldermen of the borough of Richmond in the county of York.
Romsey	-	0	4	12	Mayor, aldermen, and burgesses of the town of Romsey Infra in the county of Southampton.
St. Ives	-	0	4	12	Mayor and burgesses of the borough of St. Ives.
Saffron Walden	-	0	4	12	Mayor and aldermen of the town of Saffron Walden in the county of Essex.
Stockton	-	2	6	18	Mayor, aldermen, burgesses, and commonalty of the borough of Stockton.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Tewkesbury -	0	4	12	Bailiffs, burgesses, and commonalty of the borough of Tewkesbury in the county of Gloucester.
Walsall -	8	6	18	Mayor and commonalty of the borough and foreign of Walsall in the county of Stafford.
Welchpool -	0	4	12	Bailiffs and burgesses of the borough of Poole in the county of Montgomery.
Wenlock -	3	6	18	Burgesses of the borough of Wenlock.
Wisbech -	2	6	18	Burgesses of the borough of Wisbech.
York -	6	12	36	Mayor and commonalty of the city of York.

## SCHEDULE (B.)

## ENGLAND AND WALES.

BOROUGHES which are not to have a COMMISSION of the PEACE, unless on Petition and Grant.

## SECTION 1.—PARLIAMENTARY BOUNDARIES to be taken until altered by Parliament.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Arundel -	0	4	12	Mayor and burgesses of the borough of Arundel.
Beaumaris -	0	4	12	Mayor, bailiff, and burgesses of the borough of Beaumaris.
Cardigan -	0	4	12	Mayor, common council, and burgesses of the town and borough of Cardigan.
Llanidloes -	0	4	12	Mayor and burgesses of the borough of Llanidloes.
Pwllheli -	0	4	12	Mayor, bailiffs, and burgesses of the borough of Pwllheli.
Ruthin -	0	4	12	Aldermen and burgesses of the borough of Ruthin.
Tenby -	0	4	12	Mayor, bailiffs, and burgesses of the borough of Tenby.
Thetford -	0	4	12	Mayor and burgesses of the borough of Thetford.
Totnes -	0	4	12	Mayor and burgesses of the borough of Totnes in the county of Devon.

## SECTION 2.—MUNICIPAL BOUNDARIES to be taken until altered by Parliament.

Basingstoke -	0	4	12	Mayor, aldermen, and burgesses of the town of Basingstoke in the county of Southampton.
Beccles -	0	4	12	Portreeve, surveyors, and commonalty of the fen of Beccles in the county of Suffolk.
Blandford Forum	0	4	12	Bailiff and burgesses of the borough of Blandford Forum in the county of Dorset.
Bodmin -	0	4	12	Mayor and burgesses of the borough of Bodmin in the county of Cornwall.
Buckingham -	0	4	12	Bailiff and burgesses of the borough and parish of Buckingham in the county of Buckingham.
Calne -	0	4	12	Guild stewards and burgesses in the borough of Calne.
Chard -	0	4	12	Portreeve and burgesses of the borough of Chard in the county of Somerset.
Chippenham -	0	4	12	Bailiffs and burgesses of the borough of Chippenham in the county of Wilts.
Chipping Norton	0	4	12	Bailiffs and burgesses of the borough of Chipping Norton in the county of Oxford.
Daventry -	0	4	12	Bailiffs, burgesses, and commonalty of the borough of Daventry in the county of Northampton.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.	
Droitwich	-	0	4	12	Bailiffs and burgesses of the borough of Wych otherwise Droitwich in the county of Worcester.
Eye	-	0	4	12	Bailiff, burgesses, and commonalty of the town and burgh of Eye.
Faversham	-	0	4	12	Mayor, jurats, and commonalty of the town of Faversham.
Folkestone	-	0	4	12	Mayor, jurats, and commonalty of the town of Folkestone.
Flint	-	0	4	12	Mayor, bailiffs, and burgesses of the borough of Flint.
Glastonbury	-	0	4	12	Mayor and burgesses of the town of Glastonbury in the county of Somerset.
Godalming	-	0	4	12	Warden and inhabitants of the town of Godalming.
Godmanchester	-	0	4	12	Bailiffs, assistants, and commonalty of the borough of Cirencester alias Godmanchester.
Helstone	-	0	4	12	Mayor and commonalty of the borough of Helston.
Huntingdon	-	0	4	12	Mayor, aldermen, and burgesses of the borough of Huntingdon.
Hythe	-	0	4	12	Mayor, jurats, and commonalty of the town and port of Hythe in the county of Kent.
Launceston	-	0	4	12	Mayor and commonalty of the borough of Dunneheved otherwise Launceston.
Llandovery	-	0	4	12	Bailiff and burgesses of the borough of Llanymtheverye.
Lyme Regis	-	0	4	12	Mayor and burgesses of the borough of Lyme in the county of Dorset.
Lymington	-	0	4	12	Mayor and burgesses of the borough of Lymington.
Maidenhead	-	0	4	12	Mayor, bridgemasters, and burgesses of the town of Maydenheth.
Marlborough	-	0	4	12	Mayor and burgesses of the borough and town of Marlborough in the county of Wilts.
Morpeth	-	0	4	12	Bailiffs and burgesses of the borough of Morpeth in the county of Northumberland.
Penryn	-	0	4	12	Mayor and burgesses of Penryn in the county of Cornwall.
Retford, East	-	0	4	12	Bailiffs and burgesses of East Retford in the county of Nottingham.
Rye	-	0	4	12	Mayor, jurats, and commonalty of the ancient town of Rye.
Sandwich	-	0	4	12	Mayor, jurats, and commonalty of the town and port of Sandwich in the county of Kent.
Shaftesbury	-	0	4	12	Mayor and burgesses of the borough of Shafton otherwise Shaftesbury in the county of Dorset.
South Wold	-	0	4	12	Bailiffs, aldermen, and burgesses of the borough of South Wold.
South Molton	-	0	4	12	Mayor and burgesses of the borough and parish of South Molton in the county of Devon.
Stratford-on-Avon	0	4	12	Mayor, aldermen, and burgesses of the borough of Stratford-upon-Avon.	
Tamworth	-	0	4	12	Bailiffs and commonalty of the borough of Tamworth.
Tenterden	-	0	4	12	Mayor, jurats, and commons of the town and hundred of Tenterden in the county of Kent.
Torrington	-	0	4	12	Mayor, aldermen, and burgesses of the borough and town of Great Torrington in the county of Devon.
Wallingford	-	0	4	12	Mayor, burgesses, and commonalty of the borough of Wallingford.
Wycombe, Chipping.	0	4	12	Mayor, bailiffs, and burgesses of the borough of Chipping Wycombe (otherwise Wiccombe) in the county of Buckingham.	

## SCHEDULE (C.)

Berwick-upon-Tweed.  
Bristol.  
Chester.  
Exeter.  
Kingston-upon-Hull.  
Newcastle-upon-Tyne.

Northumberland.  
Gloucestershire.  
Cheshire.  
Devonshire.  
Yorkshire.  
Northumberland.

## SCHEDULE (D.)

## No. 1.

THE LIST OF BURGESSES of the Borough of \_\_\_\_\_ in the Parish  
[or Township] of \_\_\_\_\_

Christian Name and Surname of each Person at full Length.	Nature of the Property rated.	Street, Lane, or other Place in this Parish [or Township] where the Property is situated for which he is now rated.
Ashton, John - - - -	Shop - - - -	No. 23, Church Street.
Bates, Thomas - - - -	House - - - -	- - - Brook's Farm.

(Signed) A.B. } Overseers of the said Parish  
C.D. } [or Township].

## No. 2.

## NOTICE OF CLAIM.

To the Town Clerk of the Borough of \_\_\_\_\_

I HEREBY give you notice, that I claim to have my name inserted in the burgess list of the borough of \_\_\_\_\_, that I occupy [here describe the house, warehouse, counting-house, or shop then occupied by the claimant] in the borough, and that I have been rated in the parish of \_\_\_\_\_ [here state the parish or several parishes, and the time during which the claimant has been rated in each of them within the borough, necessary for his qualification.]

Dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

(Signed) John Allen of [place of abode].

## No. 3.

## NOTICE OF OBJECTION.

To the Town Clerk of the Borough of \_\_\_\_\_ [or to the Person objected to, as the Case may be].

I HEREBY give you notice, that I object to the name of Thomas Bates of Brook's Farm in the parish of \_\_\_\_\_ [describe the person objected to as described in the burgess list] being retained on the burgess list of the borough of \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

(Signed) John Ashton of [here state the place of abode and property for which he is said to be rated in the burgess list].

No. 4.

LIST OF CLAIMANTS.

The following Persons claim to have their Names inserted on the Burgess List of the Borough of .

Christian Name and Surname of each Claimant.	Nature of the Property for which he is now rated.	Situation of the Property for which he is now rated.	Parish [or Parishes] in which he has been rated, as stated in the Claim.
Allen, John - -	House - -	No. 17, High Street.	Rated in the last year in Saint Mary's parish in the borough, and in the two preceding years in Saint James's parish in the borough.

(Signed) A.B. Town Clerk.

No. 5.

LIST OF PERSONS OBJECTED TO.

The following Persons have been objected to as not being entitled to have their Names retained on the Burgess List of the Borough of .

Christian Name and Surname of each Person objected to.	Nature of the Property for which he is now rated.	Situation of the Property for which he is said to be now rated in the Overseer's List.	Parish in which the Property for which he is now said to be rated in the Overseer's List.
Bates, Thomas - -	House - -	Brook's Farm - -	Saint James'.

(Signed) A.B. Town Clerk.

\* \* \* \* \*

CHAPTER LXXVIII.

AN ACT to explain and amend an Act passed in the Second and Third Year of the Reign of King William the Fourth, for amending the Representation of the People in Scotland ; and to diminish the Expences there.

[9th September 1835.]

WHEREAS it is expedient that the time for fixing the day of election of members to serve in Parliament for cities, burghs, or towns in Scotland should be shortened after the receipts of the writs by the sheriff, and that the poll at such elections should be taken in one day: And whereas an Act was passed in the second and third year of the reign of his present Majesty, intituled "An Act to amend the representation of the people in Scotland," whereby it is provided that the day of election shall be not less than ten or more than sixteen days after the day on which the writ is received :

2 & 3 Will. 4.  
c. 65. s. 28.

\* \* \* \* \*

Sheriff may  
alter polling  
places and  
districts.

III. AND be it enacted, that the sheriff may, if required by or on behalf of any candidate, or, if not so required, if it shall appear to him expedient, increase or alter the number, situation, or arrangement of the existing polling places and districts, or parts thereof, so that not more than three hundred electors shall be allotted to poll in each booth or compartment for any of the cities, burghs, or towns within his shire; and where an alteration has been made by the sheriff in the number, situation, or arrangement of the polling places in any such city, burgh, or town, the town clerk shall forthwith make up a list of the polling places, and cause copies thereof to be affixed to the doors of all the parish or town churches within such city, burgh, or town.

On requisition,  
sheriff shall  
arrange booths,  
&c. so that not  
more than 100  
electors shall  
poll in each.

IV. AND be it further enacted, that on the requisition of any candidate, or of any elector being the proposer or seconder of any candidate, the booths or compartments at each polling place shall be so divided and arranged by the sheriff or his substitute duly authorized by him that not more than one hundred electors shall be allotted to poll in each such booth or compartment: Provided always, that such candidate or elector making such requisition shall pay all expences incident upon such division or arrangement.

Polls only to  
be kept open  
one day, be-  
tween 8 a.m.  
and 4 p.m.

Proviso for  
closing poll by  
agreement.

Proviso for  
adjournment in  
case of riot,  
&c.

V. AND be it enacted, that no poll at any election for any city, burgh, or town, or district of cities, burghs, or towns, shall be kept open for more than one day, and that only between the hours of eight in the morning and four in the afternoon; provided always, that at any time after a poll has been demanded the poll at any one place may be closed if all the candidates or their agents and the sheriff or his substitute shall agree in so closing it; . . . . . : Provided also, that where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, whether such proceedings shall consist of the nomination of candidates or of the taking the poll, the sheriff, or his substitute at the place where the riot or open violence has occurred, may adjourn the nomination or the taking the poll at the particular polling place or places at which such riot or open violence shall have happened to the following day or some other convenient time, and, if necessary, may repeat such adjournment till such interruption or obstruction shall have ceased, he always giving notice to the sheriff, or his substitute who is to make the return, of such adjournment having been made; and the state of the poll shall not be finally declared, nor the result of the election proclaimed, until the poll so interrupted or obstructed shall be closed and transmitted to the sheriff or his substitute who is to make the return.

\* \* \* \* \*

Any freeholder  
may apply to  
poll in district  
of county town,  
&c.

IX. AND be it enacted, that any freeholder of any county or shire in Scotland, whose rights are preserved to him by the said recited Act, shall be entitled to make application to the sheriff of such county or shire, and upon one month's notice thereof being published on the doors of the said sheriff court, to poll at all times thereafter at the polling place for the district within which the county town is situated; and the sheriff shall delete his name from the district list, and insert it in that for the district in which the county town is situate: Provided always, that after making such application to the said sheriff, and publishing such notice on the doors of the said sheriff court, it shall not be lawful for the said freeholder to poll in any other district of such county or shire; and provided also, that where a fiar and life renter are

registered in respect of the same freehold qualification they shall both concur in the said application.

X. AND be it enacted, that the vote of any fiar of a freehold qualification in any county or shire in Scotland, whose rights are preserved to him by the said recited Act, shall always be taken by the sheriff on a paper apart, and shall not be reckoned by him in casting up the votes at any election where it shall appear that the life renter has voted.

Vote of fiar of a freehold not to be reckoned at any election where life renter has voted on same qualification. Provision for necessary absence of sheriff and vacancy in office.

XI. AND be it enacted, that where a sheriff is necessarily absent from any place where any duty, other than that of acting as a judge of appeal, is required of him by the said recited Act or by this Act, it shall be competent for him to appoint a special substitute to act for him at such place; and in the event of no such special substitution, his ordinary substitute at the place shall be entitled and is hereby required to act in his room; and if the office of sheriff shall at any time be vacant by death or resignation, when any of the duties imposed by the said recited Act or by this Act (other than those imposed upon him as a judge of appeal) are required to be performed, the ordinary substitute at the head burgh of the shire appointed by the former sheriff shall be entitled and is hereby required to act until a successor to such former sheriff shall be appointed and be in a capacity to act.

\* \* \* \* \*

## CHAPTER LXXXIII.

AN ACT to amend the Law touching Letters Patent for Inventions.

[10th September 1835.]

**W**HEREAS it is expedient to make certain additions to and alterations in the present law touching letters patent for inventions, as well for the better protecting of patentees in the rights intended to be secured by such letters patent, as for the more ample benefit of the public from the same: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that any person who, as grantee, assignee, or otherwise, hath obtained or who shall hereafter obtain letters patent, for the sole making, exercising, vending, or using of any invention, may, if he think fit, enter with the clerk of the patents of England, Scotland, or Ireland, respectively, as the case may be, having first obtained the leave of his Majesty's attorney general or solicitor general in case of an English patent, of the lord advocate or solicitor general of Scotland in the case of a Scotch patent, or of his Majesty's attorney general or solicitor general for Ireland in the case of an Irish patent, certified by his fiat and signature, a disclaimer of any part of either the title of the invention or of the specification, stating the reason for such disclaimer, or may, with such leave as aforesaid, enter a memorandum of any alteration in the said title or specification, not being such disclaimer or such alteration as shall extend the exclusive right granted by the said letters patent; and such disclaimer or memorandum of alteration, being filed by the said clerk of the patents and enrolled with the specification, shall be deemed and taken to be part of such letters patent or such specification in all courts whatever: Provided always, that any person may enter a caveat, in like manner as caveats are now used to be entered, against such disclaimer or alteration; which caveat

Any person having obtained letters patent for any invention may enter a disclaimer of any part of his title or specification, or a memorandum of any alteration therein, which, when filed, shall be deemed part of such letters patent or specification.

Caveat may be entered against disclaimer, &c.



Disclaimer, &c. shall not affect actions pending at the time.

Attorney general may require the party to advertise his disclaimer, &c.

Confirmation of letters patent, &c. in certain cases where patentee is proved not to be the first inventor.

being so entered shall give the party entering the same a right to have notice of the application being heard by the attorney general or solicitor general or lord advocate respectively: Provided also, that no such disclaimer or alteration shall be receivable in evidence in any action or suit (save and except in any proceeding by scire facias) pending at the time when such disclaimer or alteration was enrolled; but in every such action or suit the original title and specification alone shall be given in evidence, and deemed and taken to be the title and specification of the invention for which the letters patent have been or shall have been granted: Provided also, that it shall be lawful for the attorney general or solicitor general or lord advocate, before granting such fiat, to require the party applying for the same to advertise his disclaimer or alteration in such manner as to such attorney general or solicitor general or lord advocate shall seem right, and shall, if he so require such advertisement, certify in his fiat that the same has been duly made.

II. AND be it enacted, that if in any suit or action it shall be proved or specially found by the verdict of a jury that any person who shall have obtained letters patent for any invention or supposed invention was not the first inventor thereof, or of some part thereof, by reason of some other person or persons having invented or used the same, or some part thereof, before the date of such letters patent, or if such patentee or his assigns shall discover that some other person had, unknown to such patentee, invented or used the same, or some part thereof, before the date of such letters patent, it shall and may be lawful for such patentee or his assigns to petition his Majesty in council to confirm the said letters patent or to grant new letters patent, the matter of which petition shall be heard before the judicial committee of the privy council; and such committee, upon examining the said matter, and being satisfied that such patentee believed himself to be the first and original inventor, and being satisfied that such invention or part thereof had not been publicly and generally used before the date of such first letters patent, may report to his Majesty their opinion that the prayer of such petition ought to be complied with, whereupon his Majesty may, if he think fit, grant such prayer; and the said letters patent shall be available in law and equity to give to such petitioner the sole right of using, making, and vending such invention as against all persons whatsoever, any law, usage, or custom to the contrary thereof notwithstanding: Provided, that any person opposing such petition shall be entitled to be heard before the said judicial committee: Provided also, that any person, party to any former suit or action touching such first letters patent, shall be entitled to have notice of such petition before presenting the same.

If in any action, &c. a verdict, &c. passes for the patentee, the judge may grant a certificate, which being given in evidence in any other suit shall entitle the patentee to treble costs.

III. AND be it enacted, that if any action at law or any suit in equity for an account shall be brought in respect of any alleged infringement of such letters patent heretofore or hereafter granted, or any scire facias to repeal such letters patent, and if a verdict shall pass for the patentee or his assigns, or if a final decree or decretal order shall be made for him or them upon the merits of the suit, it shall be lawful for the judge before whom such action shall be tried to certify on the record, or the judge who shall make such decree or order to give a certificate under his hand, that the validity of the patent came in question before him; which record or certificate being given in evidence in any other suit or action whatever touching such patent, if a verdict shall pass, or decree or decretal order be made, in favour of such patentee or his assigns, he

or they shall receive treble costs in such suit or action, to be taxed at three times the taxed costs, unless the judge making such second or other decree or order, or trying such second or other action, shall certify that he ought not to have such treble costs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

IV. AND be it further enacted, that if any person, who now hath or shall hereafter obtain any letters patent as aforesaid, shall advertise in the London Gazette three times, and in three London papers, and three times in some country paper published in the town where or near to which he carried on any manufacture of any thing made according to his specification, or near to or in which he resides in case he carried on no such manufacture, or published in the county where he carries on such manufacture or where he lives in case there shall not be any paper published in such town, that he intends to apply to his Majesty in council for a prolongation of his term of sole using and vending his invention, and shall petition his Majesty in council to that effect, it shall be lawful for any person to enter a caveat at the council office; and if his Majesty shall refer the consideration of such petition to the judicial committee of the privy council, and notice shall first be by him given to any person or persons who shall have entered such caveats, the petitioner shall be heard by his counsel and witnesses to prove his case, and the persons entering caveats shall likewise be heard by their counsel and witnesses; whereupon, and upon hearing and inquiring of the whole matter, the judicial committee may report to his Majesty that a further extension of the term in the said letters patent should be granted, not exceeding seven years; and his Majesty is hereby authorized and empowered, if he shall think fit, to grant new letters patent for the said invention for a term not exceeding seven years after the expiration of the first term, any law, custom, or usage to the contrary in anywise notwithstanding: Provided that no such extension shall be granted if the application by petition shall not be made and prosecuted with effect [Rep., 2 & 3 Vict. c. 67. s. 1.] before the expiration of the term originally granted in such letters patent.

Proceedings on applications for the prolongation of the term of a patent.

V. AND be it enacted, that in any action brought against any person for infringing any letters patent the defendant on pleading thereto shall give to the plaintiff, and in any scire facias to repeal such letters patent the plaintiff shall file with his declaration, a notice of any objections on which he means to rely at the trial of such action, and no objection shall be allowed to be made in behalf of such defendant or plaintiff respectively at such trial unless he prove the objections stated in such notice: Provided always, that it shall and may be lawful for any judge at chambers, on summons served by such defendant or plaintiff on such plaintiff or defendant respectively to show cause why he should not be allowed to offer other objections whereof notice shall not have been given as aforesaid, to give leave to offer such objections, on such terms as to such judge shall seem fit.

In actions for infringement of patent, &c. notice of objections shall be given.

VI. AND be it enacted, that in any action brought for infringing the right granted by any letters patent, in taxing the costs thereof regard shall be had to the part of such case which has been proved at the trial, which shall be certified by the judge before whom the same shall be had; and the costs of each part of the case shall be given according as either party has succeeded or failed therein, regard being had to the notice of objections, as well as the counts in the declaration, and without regard to the general result of the trial.

Costs in such actions.

Penalty for  
using the name  
of a patentee  
without leave,  
&c.

VII. AND be it enacted, that if any person shall write, paint, or print, or mould, cast, or carve, or engrave or stamp, upon any thing made, used, or sold by him, for the sole making or selling of which he hath not or shall not have obtained letters patent, the name or any imitation of the name of any other person who hath or shall have obtained letters patent for the sole making and vending of such thing, without leave in writing of such patentee or his assigns, or if any person shall upon such thing, not having been purchased from the patentee or some person who purchased it from or under such patentee, or not having had the licence or consent in writing of such patentee or his assigns, write, paint, print, mould, cast, carve, engrave, stamp, or otherwise mark the word "patent," the words "letters patent," or the words "by the King's patent," or any words of the like kind, meaning, or import, with a view of imitating or counterfeiting the stamp, mark, or other device of the patentee, or shall in any other manner imitate or counterfeit the stamp or mark or other device of the patentee, he shall for every such offence be liable to a penalty of fifty pounds, to be recovered by action of debt, bill, plaint, process, or information in any of his Majesty's courts of record at Westminster or in Ireland, or in the Court of Session in Scotland, one half to his Majesty, his heirs and successors, and the other to any person who shall sue for the same: Provided always, that nothing herein contained shall be construed to extend to subject any person to any penalty in respect of stamping or in any way marking the word "patent" upon any thing made, for the sole making or vending of which a patent before obtained shall have expired.

#### CHAPTER LXXXIV.

AN ACT to empower Grand Juries in Ireland to raise Money by Presentment for the Construction, Enlargement, or Repair of Piers and Quays.

[10th September 1835.]

WHEREAS it would tend to encourage the fisheries of Ireland, as well as to facilitate the export of agricultural produce and the introduction of various commodities into the interior, if a sufficient number of piers and quays were built upon the banks of navigable lakes and rivers in Ireland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that when any person shall be desirous of promoting the erection of any pier or quay, or the repairing or enlarging of any existing pier or quay on the bank of any navigable river or lake, or the making or repairing of any road or approach to any such pier or quay, in any county, county of a city, or county of a town in Ireland, or to deepening or embanking of any such lake or river, it shall and may be lawful for such person to make application, and for the grand jury of the said county, county of a city, or county of a town to make presentment, for such purposes, in like manner, and subject to all the regulations and provisions which are contained in the first Act of the third and fourth of William the Fourth, intituled "An Act to amend the laws relating to grand juries in "Ireland," respecting public works; . . . . .

Grand juries  
may make pre-  
sentments for  
erecting, re-  
pairing, or en-  
larging any  
pier or quay.

3 & 4 Will. 4.  
c. 78.

\* \* \* \* \*

## 6 &amp; 7 WILLIAM IV. A.D. 1836.

## STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE NINETEENTH DAY OF  
FEBRUARY, A.D. 1835,

IN THE FIFTH YEAR OF THE REIGN OF KING WILLIAM THE FOURTH,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
FOURTH DAY OF FEBRUARY, A.D. 1836,  
BEING THE SECOND SESSION OF THE TWELFTH PARLIAMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND IRELAND.

## CHAPTER XI.

AN ACT for the Registration of Aliens, and to repeal an Act passed in the  
Seventh Year of the Reign of His late Majesty for that Purpose.

[19th May 1836.]

**W**HEREAS in the seventh year of the reign of his late Majesty an Act  
was passed, intituled "An Act for the registration of aliens": And 7 Geo. 4. c. 54.  
whereas it is expedient that the said Act should be repealed, and that provisions  
in respect of aliens should be made in lieu of the regulations therein contained:  
Be it therefore enacted by the King's most excellent Majesty, by and with the advice  
and consent of the lords spiritual and temporal, and commons, in this present Parlia-  
ment assembled, and by the authority of the same, that the said Act shall be and is  
hereby repealed. [Rep., Stat. Law Rev. Act, 1874.] repealed.

II. AND be it further enacted, that the master of every vessel which after  
the commencement of this Act shall arrive in this realm from foreign parts  
shall immediately on his arrival declare in writing to the chief officer of the  
customs at the port of arrival whether there is, to the best of his knowledge,  
any alien on board his vessel, and whether any alien hath, to his knowledge,  
landed therefrom at any place within this realm, and shall in his said decla-  
ration specify the number of aliens (if any) on board his vessel, or who have,  
to his knowledge, landed therefrom, and their names, rank, occupation, and  
description, as far as he shall be informed thereof; and if the master of any  
such vessel shall refuse or neglect to make such declaration, or shall wilfully  
make a false declaration, he shall for every such offence forfeit the sum of  
twenty pounds, and the further sum of ten pounds for each alien who shall  
have been on board at the time of the arrival of such vessel, or who shall  
have, to his knowledge, landed therefrom within this realm, whom such  
master shall wilfully have refused or neglected to declare; and in case such  
master shall neglect or refuse forthwith to pay such penalty, it shall be lawful  
for any officer of the customs, and he is hereby required, to detain such vessel  
until the same shall be paid: Provided always, that nothing herein-before  
contained shall extend to any mariner actually employed in the navigation  
of such vessel, during the time that such mariner shall remain so actually  
employed. Masters of  
vessels arriving  
from foreign  
parts to declare  
what aliens are  
on board or  
have landed  
from their  
vessels.  
  
Penalty for  
omission of  
declaration.  
  
Saving as to  
foreign mari-  
ners navigating  
the vessel.

III. AND be it further enacted, that every alien, who shall after the com-  
mencement of this Act arrive in any part of the United Kingdom from Alien on arrival  
from abroad to  
declare his

name, description, &c. and produce his passport.

foreign parts, shall immediately after such arrival present and show to the chief officer of the customs at the port of debarkation, for his inspection, any passport which may be in his or her possession, and declare in writing to such chief officer, or verbally make to him a declaration, to be by him reduced into writing, of the day and place of his or her landing, and of his or her name, and shall also declare to what country he or she belongs and is subject, and the country and place from whence he or she shall then have come; which declaration shall be made in or reduced into such form as shall be approved by one of his Majesty's principal secretaries of state; and if any such alien coming into this realm shall neglect or refuse to present and show any passport which may be in his or her possession, or if he or she shall neglect or refuse to make such declaration, he or she shall forfeit the sum of two pounds.

Officer of customs to register the declaration, and deliver a certificate to the alien.

IV. AND be it further enacted, that the officer of the customs to whom such passport shall be shown and declaration made shall immediately register such declaration in a book to be kept by him for that purpose, (in which book certificates shall be printed in blank, and counterparts thereof, in such form as shall be approved by one of his Majesty's principal secretaries of state,) and shall insert therein the several particulars by this Act required in proper columns in both parts thereof, and shall deliver one part thereof to the alien who shall have made such declaration.

Officer of customs to transmit declaration, &c. to secretary of state, &c.

V. AND be it further enacted, that the chief officer of the customs in every port shall within two days transmit a true copy of the declaration of every master of a vessel, and a true copy of every such certificate, if in Great Britain, to one of his Majesty's principal secretaries of state, and, if such alien shall have arrived from any foreign country in Ireland, he shall transmit a true copy of such declaration and of such certificate to the chief secretary for Ireland.

Certificate of alien departing the realm to be transmitted to secretary of state.

VI. AND be it further enacted, that any alien about to depart from this realm shall before his or her embarkation deliver any certificate, which he or she shall have received under the provisions of this Act, to the chief officer of the customs at the port of departure, who shall insert therein that such alien hath departed this realm, and shall forthwith transmit the same to one of his Majesty's principal secretaries of state, or to the chief secretary for Ireland, as the case may be, in like manner as herein-before is directed in respect to the certificate given to an alien on his or her arrival in this realm.

New certificates to be issued in lieu of such as are lost.

VII. AND be it further enacted, that if any certificate issued to any alien by virtue of this Act shall be lost, mislaid, or destroyed, and such alien shall produce to one of his Majesty's justices of the peace proof thereof, and shall make it appear to the satisfaction of such justice that he or she hath duly conformed with this Act, it shall be lawful for such justice, and he is hereby required, to testify the same under his hand; and such alien shall thereupon be entitled to receive from one of his Majesty's principal secretaries of state, or from the chief secretary for Ireland, as the case may be, a fresh certificate, which shall be of the like force and effect as the certificate so lost, mislaid, or destroyed.

Certificate to be granted without fee.

VIII. AND be it further enacted, that all certificates herein-before required to be given shall be given without fee or reward whatsoever; and every person who shall take any fee or reward of any alien or other person, for any

certificate, or any other matter or thing done under this Act, shall forfeit for every such offence the sum of twenty pounds; and every officer of the customs who shall refuse or neglect to make such entry as aforesaid, or grant any certificate thereon, in pursuance of the provisions of this Act, or shall knowingly make any false entry, or neglect to transmit the copy thereof, or to transmit any declaration of the master of a vessel, or any declaration of departure, in manner directed by this Act, shall forfeit for every such offence the sum of twenty pounds.

Penalty for taking fees for things done under this Act.

IX. AND be it further enacted, that if any person shall wilfully make or transmit any false declaration, or shall wilfully forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, or shall utter, knowing the same to be forged, counterfeited, or altered, any declaration or certificate hereby directed, or shall obtain any such certificate under any other name or description than the true name and description of the alien intended to be named and described, without disclosing to the person granting such certificate the true name and description of such alien, or shall falsely pretend to be the person intended to be named and described in any such certificate, every person so offending shall, upon conviction thereof before two justices, either forfeit any sum not exceeding one hundred pounds, or be imprisoned for any time not exceeding three calendar months, at the discretion of such justices.

Penalty for making false declarations, forging certificates, &c.

X. AND be it further enacted, that all offences against this Act shall be prosecuted within six calendar months after the offence committed; and all such offences shall be prosecuted before two or more justices of the peace of the place where the offence shall be committed, who are required, in default of payment of any pecuniary penalty, to commit the offender to the common gaol for any time not exceeding one calendar month, unless the penalty shall be sooner paid, where such penalty shall not exceed the sum of twenty pounds, and forthwith to report to one of his Majesty's principal secretaries of state, or to chief secretary for Ireland, as the case may require, the conviction of every offender under this Act, and the punishment to which he is adjudged; and no writ of certiorari or of advocation or suspension shall be allowed to remove the proceedings of any justices touching the cases aforesaid, or to supersede or suspend execution or other proceeding thereupon.

Prosecution of offences.

XI. PROVIDED always, and be it further enacted, that nothing in this Act contained shall affect any foreign ambassador or other public minister duly authorized, nor any domestic servant of any such foreign ambassador or public minister, registered as such according to law, or being actually attendant upon such ambassador or minister; nor any alien who shall have been continually residing within this realm for three years next before the passing of this Act, or who shall hereafter at any time complete such residence of three years, and who shall have obtained from one of his Majesty's principal secretaries of state, or from the chief secretary for Ireland, a certificate thereof: nor any alien, in respect of any act done or omitted to be done, who shall be under the age of fourteen years at the time when such act was so done or omitted to be done: Provided always, that if any question shall arise whether any person alleged to be an alien, and to be subject to the provisions of this Act, is an alien or not, or is or is not subject to the said provisions or any of them, the proof that such person is, or by law is to be deemed to be, a natural-born subject of his Majesty, or a denizen of this kingdom, or a

This Act not to affect foreign ministers or their servants;

nor aliens who have been resident three years, and obtained certificate thereof;

nor aliens under fourteen years of age.

naturalized subject, or that such person, if an alien, is not subject to the provisions of this Act or any of them, by reason of any exception contained in this Act or otherwise, shall lie on the person so alleged to be an alien and to be subject to the provisions of this Act.

\* \* \* \* \*

## CHAPTER XII.

AN ACT for amending an Act of the Ninth Year of the Reign of his late Majesty King George the Fourth, intituled "An Act for the better Regulation of Divisions in the several Counties of England and Wales." [20th May 1836.]

9 Geo. 4. c. 43.

4 & 5 Will. 4.  
c. 76.

Justices at  
quarter sessions  
may alter divi-  
sions after  
three years  
from the con-  
stituting  
thereof.

New divisions  
may be con-  
stituted if five  
justices are  
resident or  
acting therein.

Duties, &c. of  
clerk of the  
peace as to new  
divisions.

Reservation  
of right of  
appeal.

Proceedings  
not to be  
quashed for

**W**HEREAS by an Act passed in the ninth year of his late Majesty King George the Fourth, intituled "An Act for the better regulation of divisions in the several counties of England and Wales," it is amongst other things enacted, that such divisions, when severally constituted in the manner directed by the said Act, shall be subject to no alteration or revision for the several terms of twenty-one and ten years respectively, and until further order of sessions after the expiration of such terms of twenty-one years and ten years respectively: And whereas it may be expedient that such divisions should have the same limits as unions of parishes formed under the Act of the fourth and fifth years of his present Majesty, intituled "An Act for the amendment and better administration of the laws relating to the poor in England and Wales"; and for this and other reasons it may be expedient to alter such divisions within shorter periods of time than are now fixed by the herein recited Act: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the justices of the peace for any county, riding, or division having a separate commission of the peace, in any court of quarter sessions, to alter and revise such divisions in the manner and according to the forms required by the said herein recited Act, on the expiration of three years from the constituting thereof, any thing in such Act contained to the contrary notwithstanding.

II. AND be it further enacted, that it shall be lawful for the justices as aforesaid at such quarter sessions to make any order constituting any new division, upon due proof before them made in open court on oath, that at the time of making the same there are at the least five justices of the peace residing or usually acting within the boundary line proposed to be the limit of any such new division, but not otherwise.

III. AND be it further enacted, that all matters and things by the said herein recited Act required to be done by and with regard to the clerk of the peace shall be done by and with regard to that officer with respect to the new divisions to be formed by virtue of this Act.

IV. PROVIDED always, and be it further enacted, that every such order shall be made subject to such power of petitioning against the same as is given by the said herein recited Act with respect to any order made by virtue thereof.

V. AND be it further enacted, that no order to be made nor any proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for

want of form, or be removed by certiorari, or any other writ or process whatever, into any of his Majesty's courts of record at Westminster; any law or statute to the contrary notwithstanding.

want of form,  
&c.

VI. AND be it further enacted, that nothing in this Act contained shall extend or be construed or taken to extend to the county of Middlesex in England, or [Rep., 14 & 15 Vict. c. 55. s. 17.] to Scotland or Ireland.

Extent of Act.

### CHAPTER XIII.

AN ACT to consolidate the Laws relating to the Constabulary Force in Ireland. [20th May 1836.]

WHEREAS it is expedient to consolidate and amend the Acts for the appointment of constables and of magistrates in Ireland in certain cases: . . . . .

\* \* \* \* \*

V. AND be it enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland, by warrant under his or their hands, to nominate and appoint one fit and proper person to be inspector general of police throughout Ireland, who shall reside in Dublin, and shall be charged and invested with the general direction and superintendence of the force to be established under this Act, and to appoint from time to time, when and as he or they may think necessary, one or two fit and proper persons to be deputies to the said inspector general, and to appoint any fit and proper persons to be clerks in the office of such inspector general; and every such inspector general and deputy inspector general shall, on his appointment to such office, forthwith take before any two magistrates the oaths by law required to be taken by justices of the peace in Ireland, and also the oath herein-after contained, and shall thereupon be and become, without further qualification or appointment, and continue so long as he shall hold the said office, but no longer, a justice of the peace for every county, county of a city, county of a town, and town and liberties in Ireland.

Lord lieutenant  
may appoint an  
inspector gene-  
ral and one or  
two deputy  
inspectors.

VI. AND in order to provide for one uniform system of rules and regulations throughout the whole establishment of police in Ireland, be it enacted, that it shall and may be lawful for such inspector general, with the approbation of the lord lieutenant or other chief governor or governors of Ireland, from time to time to frame (subject to such regulations as the lord high treasurer or lords commissioners of the Treasury, or any three or more of them, may from time to time establish in respect of the particular fiscal duties to be discharged by the receiver and paymasters to be appointed under this Act) rules, orders, and regulations for the general government of the several persons to be appointed under this Act, as well with respect to the places of their residence, their classification, rank, and particular services, their distribution and inspection, as to the description of the arms, accoutrements, and other necessities to be furnished to them, and which of them shall be supplied with horses, and all such other rules, orders, and regulations relative to the said police force as may be necessary for the purpose of preventing neglect or abuse, and for rendering the said force efficient for the discharge of the several duties thereof.

Lord lieutenant  
may make  
rules.

VII. AND be it enacted, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland in like manner from time to time

Lord lieutenant  
may appoint  
county inspec-  
tors.



to appoint four persons to be county inspectors of police ; and each such county inspector shall be charged and invested with the general government, direction, and superintendence of the police force to be established within such number of counties as the lord lieutenant or other chief governor or governors of Ireland may direct, and within any and every county of a city, county of a town, and town and liberties, locally situate within such counties (except the county of the city of Dublin) ; and each such county inspector shall, on his appointment to such office, forthwith take the oaths by law required, in such manner as by law prescribed, to be taken by justices of the peace in Ireland, and the oath herein-after provided, and shall thereupon be and become, without further qualification or appointment, a justice of the peace in and for the counties, and in and for each county, county of a city, and county of a town, town and liberties, adjoining to or locally situate within the counties for which he shall be appointed inspector, so long as he shall hold the said office, but no longer.

Lord lieutenant  
may appoint  
paymasters,  
storekeepers,  
and clerks.

Lord lieutenant  
may appoint  
sub-inspectors.

VIII. AND be it enacted, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland, by warrant under his or their hand or hands, to nominate and appoint eighteen persons to be paymasters, storekeepers, and clerks ; [Rep., Stat. Law Rev. Act, 1874.] . . . . .

IX. AND be it enacted, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland, by warrant, in like manner from time to time to nominate and appoint, in and for each of the said counties of Cork, Tipperary, and Galway, any number not exceeding two fit and proper persons to be sub-inspectors of police to act for such districts as may be assigned to them respectively in aid of the county inspectors, and under and subject to their direction and control, and in like manner to appoint in and for any and every other county one sub-inspector to act for such county, and in and for each county of a city and county of a town adjoining to or locally situate within the county for which he shall be so appointed, in aid of and under the like direction and control of the inspector thereof ; and each such sub-inspector shall on his appointment forthwith take the oaths herein-after prescribed, and shall thereupon be and become invested with all such power and authority for the preservation of the peace and the apprehension of offenders as may belong to any chief or other constable appointed under this Act, so long as he shall hold such office, but no longer.

Lord lieutenant  
may remove  
inspectors  
general, &c.

X. AND be it enacted, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland, from time to time, as he or they shall think fit, to remove any inspector general, deputy inspector general, county inspector, sub-inspector, paymaster, or clerk who may be appointed under this Act, and, upon any vacancy in any of the said offices or appointments by death, removal, disability, or otherwise, to nominate and appoint some other fit and proper person to fill the same.

Lord lieutenant  
may appoint  
chief and other  
constables, not  
exceeding the  
numbers herein  
mentioned, &c.

XI. AND be it enacted, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland to appoint from time to time at his will and pleasure, in and for each county of a city and county of a town, except the said county of the city of Dublin, one chief constable, two head constables, and any such number of constables and sub-constables, not exceeding one hundred, as may be deemed by him or them to be necessary and sufficient for the preservation of the peace therein, and in and for each barony, half barony, or other division of barony in each county at large, one chief

constable, two head constables, and any number of constables and sub-constables, not exceeding sixteen, and from time to time, as to him or them shall seem fit, to dismiss any such chief or other constable or sub-constable, and, upon any vacancy in any of the said offices by death, removal, or otherwise, to appoint some other fit and able person to fill the same; and all such chief and other constables and sub-constables shall have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have, either by the common law or by virtue of any statute now or hereafter to be in force in Ireland: . . . . .

XII. PROVIDED always, and be it enacted, that in any case in which seven or more magistrates of any county at large, at any general or special sessions held after notice given by the clerk of the peace, being a majority of the magistrates then present, shall certify to the lord lieutenant or other chief governor or governors of Ireland that the number of chief or other constables or sub-constables so appointed for any such county is inadequate to the due execution of the law within the same, it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland to appoint such further number of chief and other constables and sub-constables for such county as may be so certified to be necessary, and to remove such chief and other constables and sub-constables from time to time.

Lord lieutenant may appoint an additional number of constables, on certification by magistrates of the necessity thereof.

XIII. AND be it enacted, that it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland, by the advice of the privy council of Ireland, to declare by proclamation that any county, county of a city, or county of a town in Ireland, or any barony or baronies, half barony or half baronies in any county at large, or any district of less extent than any barony or half barony, to be therein specified, is or are in a state of disturbance, and requires or require an additional establishment of police; and thereupon it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland to appoint such and so many chief constables, constables, and sub-constables, as he or they shall think proper, not exceeding one such chief constable, two head constables, and fifty such constables or sub-constables for any one barony or half barony, or for any county of a city or county of a town or district of less extent than any barony or half barony, which may have been so declared to be in a state of disturbance [Rep., Stat. Law Rev. Act, 1874.].

Lord lieutenant may declare by proclamation any part of Ireland to be in a disturbed state.

XIV. AND be it enacted, that no person shall be appointed to be a chief or other constable or sub-constable under this Act unless he shall be of a sound constitution, able-bodied, and under the age of forty years, able to read and write, of a good character for honesty, fidelity, and activity; and that no person shall be appointed to be such chief or other constable or sub-constable who shall be a game-keeper, wood-ranger, tithe proctor, viewer of tithes, bailiff, sheriff's bailiff, or parish clerk, or who shall be a hired servant in the employment of any person whomsoever, or who shall keep any house for the sale of beer, wine, or spirituous liquors by retail; and that if any person, who shall be appointed to be a chief or other constable or sub-constable under this Act, shall at any time after such his appointment be or become a game-keeper, wood-ranger, tithe proctor, viewer of tithes, bailiff, sheriff's bailiff, or parish clerk, or a hired servant, or shall act in any of the said capacities, or shall sell any beer, wine, or spirituous liquors by retail, such person shall be and become disabled from and incapable of acting, and shall forfeit his appoint-

Qualifications and disqualifications for constables.

ment as constable, and all authority and privilege, and all salary and gratuity payable to him as a chief or other constable or sub-constable under this Act.

Constables to attend magistrates, and execute their warrants.

XV. AND be it enacted, that every chief constable, head constable, constable, and sub-constable to be appointed under this Act shall, when not engaged on actual duty, attend on the justices of the peace at their several general or quarter sessions, and also at their petty sessions, which shall be held at the respective places where such chief or other constable or sub-constable may be stationed, and shall obey and execute all the lawful warrants, orders, and commands of such justices at such sessions in all cases, civil and criminal: Provided always, that no chief or other constable or sub-constable shall be employed under such authority to levy tithes or tithe composition, or to levy rents by distress, or to levy fines or penalties under any Act or Acts relating to the revenue in Ireland, nor to enforce any Acts relating to the laws for the preservation of game or fish, except only in cases where forcible resistance shall have been actually made and proved by information taken on oath.

Constables to execute all processes to them directed.

XVI. AND be it enacted, that, except as aforesaid, every chief constable, head constable, constable, and sub-constable, appointed under this Act, shall within his jurisdiction execute all processes to him directed for levying the amount of any fine or fines which shall be imposed under any Act in force in Ireland, or for levying the amount of any recognizance forfeited to his Majesty, his heirs and successors, or of any fines imposed on any jurors, witnesses, parties, or persons at any assizes, or commission of oyer and terminer or gaol delivery, or sessions of the peace; and when any warrant, order, or command of any magistrate shall be delivered or given to any such head constable or sub-constable, he shall, if the time will permit, show or deliver the same to the chief constable under whose immediate command such head constable or sub-constable shall then be, and such chief constable shall nominate and appoint by indorsement thereon such one or more of the constables under his orders, and such assistant or assistants to him or them as such chief constable shall think proper, to execute such warrant, order, or command; and every such constable whose name shall be so indorsed, and every such assistant as aforesaid, shall have all and every the same rights, powers, and authorities for and in the execution of every such warrant, order, or command, as if the same had been originally directed to him or them expressly by name.

Persons appointed under this Act to take an oath previous to acting.

XVII. AND be it enacted, that no person appointed under this Act to be an inspector general, deputy inspector general, county inspector, or sub-inspector, receiver, magistrate, paymaster, clerk, chief or other constable or sub-constable, shall be, except as is herein-before provided, capable of holding the said office, or of acting in any way therein, until he shall take and subscribe the oath here following; (that is to say,)

Form of oath.

‘ I A.B do swear, that I will well and truly serve our sovereign lord the  
 ‘ King in the office of inspector general, deputy inspector general, county  
 ‘ inspector, or sub-inspector, receiver, paymaster, clerk, magistrate, chief con-  
 ‘ stable or head constable, [or constable or sub-constable, as the case may  
 ‘ be,] without favour or affection, malice or ill-will; that I will see and cause  
 ‘ his Majesty’s peace to be kept and preserved, and that I will prevent to the  
 ‘ best of my power all offences against the same; and that while I shall con-  
 ‘ tinue to hold the said office I will, to the best of my skill and knowledge,  
 ‘ discharge all the duties thereof, in the execution of warrants and otherwise,

'faithfully according to law; and that I do not now belong, and that I will not, while I shall hold the said office, join, subscribe, or belong, to any political society whatsoever, or to any secret society whatsoever, unless to the society of Freemasons. So help me GOD.'

And the said oath shall be administered, either at general or petty sessions or otherwise, by any two magistrates, and shall in all cases be subscribed by the person taking the same; and the said oath shall be administered by any two magistrates, either in open sessions or otherwise; and such magistrates shall forthwith give to the person taking the same a certificate thereof under his hand, such certificate to be forwarded to the chief secretary of the lord lieutenant, or the under secretary, or to such person as he may appoint.

XVIII. AND be it enacted, that no inspector general, deputy inspector general, receiver, or county inspector, or magistrate, appointed by virtue of this Act, shall, during the continuance of such appointment, be capable of being elected or sitting as a member of the House of Commons; and that no inspector general, deputy inspector general, receiver, county inspector, magistrate, sub-inspector, paymaster or clerk, chief or other constable or sub-constable, or person belonging to the said constabulary force or appointed by virtue of this Act, shall, during the time that he shall continue in any such office, or within six calendar months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in Parliament for any county, city, borough, town, or place in Ireland, nor shall, by word, message, writing, or in any other manner, endeavour to persuade any elector to give or dissuade any elector from giving his vote for the choice of any person to be a member to serve in Parliament for any such county, city, borough, town, or place; and if any such inspector general, deputy inspector general, receiver, county inspector, magistrate, sub-inspector, paymaster or clerk, chief or other constable or sub-constable, or person belonging to the said constabulary force, shall offend therein, he shall forfeit the sum of one hundred pounds, to be recovered by any person who will sue for the same by action of debt, to be commenced within six calendar months after the commission of the offence: Provided always, that nothing in this enactment contained shall subject any such inspector general, deputy inspector general, receiver, county inspector, magistrate, sub-inspector, paymaster or clerk, chief or other constable or sub-constable, or person belonging to the said constabulary force or appointed under this Act, to any penalty for any act done by him at or concerning any of the said elections in the discharge of his official duty.

Inspector general, &c. appointed under this Act shall not sit in Parliament; nor shall members of the constabulary force vote, &c. at parliamentary elections.

XIX. AND be it enacted, that if any chief or other constable or sub-constable shall neglect or refuse to obey and execute any warrant hereby directed to be by him executed, or shall be guilty of any neglect or violation of duty in his office, every such chief or other constable shall forfeit and incur such penalty, not exceeding five pounds, as any two or more justices of the peace, after examination upon oath of one or more credible witness or witnesses, or upon confession of the party, shall think proper to impose or inflict; and the amount of such penalty shall and may be deducted from and out of any salary accruing due to such offender under this Act, upon a certificate thereof to be by the justices before whom he may be convicted transmitted to the paymaster of the county: Provided always, that it shall be lawful for the lord

Penalty not exceeding 5*l.* may be imposed on chief and other constables for violation of duty.

lieutenant or other chief governor or governors to mitigate or remit any such penalty.

Constables dismissed to lose their powers, and deliver up the arms, &c.

XX. AND be it enacted, that when any chief or other constable or sub-constable shall be dismissed from or shall cease to hold and exercise his office, all powers and authorities vested in him as a constable shall immediately cease and determine to all intents and purposes whatever; and if any constable or sub-constable shall not, within one week after he shall be dismissed from or shall cease to hold and exercise his office, deliver over all and every the arms, ammunition, and accoutrements, horse, saddle, bridle, clothing, and other appointments whatsoever, which may have been supplied to him for the execution of such office, to the paymaster for the county, or to such person and at such time and place as shall be directed by the said paymaster, every person making default herein shall, upon conviction for such offence before any two or more magistrates upon oath of one or more credible witness or witnesses, or upon his own confession, be subject and liable to imprisonment in the common gaol or house of correction for any such period not exceeding the term of two calendar months, and kept to hard labour, as such magistrates shall think proper to direct; and it shall be lawful for such magistrates, and they are hereby authorized and required, to commit every such offender accordingly, and to issue their warrant to search for and seize, to the use of his Majesty, all and every the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments whatsoever, which shall not be so delivered over, wherever the same shall be found.

Constables not to resign without leave, or one month's notice.

XXI. AND be it enacted, that no head constable, constable, or sub-constable to be appointed under this Act shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly authorized so to do in writing by the county inspector or sub-inspector under whom he may be placed, or unless he shall give to such inspector one month's notice of his intention so to resign or withdraw; and if any head constable, constable, or sub-constable shall so resign or withdraw himself without such previous permission or notice, he shall for such offence forfeit and pay a penalty not exceeding ten pounds upon conviction before two justices of the peace; and it shall and may be lawful for such justices, in case such penalty shall not be paid, to commit such person to the common gaol or house of correction for any period not exceeding three calendar months, and kept to hard labour; and all penalties so to be levied shall be paid to the paymaster or one of the paymasters of the county, to be applied and accounted for as herein-after directed.

County inspectors, &c. to be exempt from tolls.

XXII. AND be it enacted, that all county inspectors, sub-inspectors, chief and other constables and sub-constables, appointed and acting under this Act, being on actual duty, and in proper dress or undress as such, and all prisoners under their charge, and all carriages and horses exclusively employed in carrying or conveying such persons or their prisoners or baggage, or returning therefrom, and not otherwise engaged or employed, shall be exempted from payment of any duties and tolls on passing turnpike roads or bridges, otherwise demandable by virtue of any Act already made or to be made; and any toll collector who shall demand and receive any duty or toll contrary to this Act, shall forfeit and pay any sum not exceeding ten pounds for every such offence, to be recovered by distress and sale of the goods and chattels of such

person so offending, on conviction in a summary way before a justice of the peace; the same to be paid to the person from whom such duty or toll shall have been received, and to be applied as any penalties payable to any chief or other constable are directed by this Act to be applied.

XXIII. AND be it further enacted, that no inspector general, deputy inspector, receiver, paymaster, county inspector, sub-inspector, chief or other constable or sub-constable appointed and acting under this Act, shall be liable to serve the office of churchwarden, parish overseer, or constable, or to serve as a juror in any case, civil or criminal, or to be chosen or ballotted to serve in the militia, or subject to any fine, penalty, or punishment whatsoever for declining or refusing to serve in any such capacity.

Inspectors, &c. not to be liable to serve as churchwardens, jurors, &c.

XXIV. AND be it further enacted, that it shall and may be lawful to and for the inspector general or deputy inspector general to be appointed under this Act, or either of them, or any other person or persons to be nominated for the purpose from time to time by the lord lieutenant or other chief governor or governors of Ireland for the time being, to examine on oath into the truth of any charges or complaint preferred against any person to be appointed under this Act, of any neglect or violation of duty in his office, and to report thereon to the lord lieutenant or other chief governor or governors of Ireland; and any person who on any such inquiry, or on any other occasion on which an oath may be administered under this Act, shall give false evidence or take a false oath, and be thereof duly convicted, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt perjury are or may be subject and liable to.

Inspector general, &c. may inquire on oath into charges against members of constabulary force.

Persons giving false evidence, &c. under this Act, guilty of perjury.

XXV. AND be it further enacted, that if any person not appointed and acting under this Act shall have in his or her possession any arms or ammunition, or any article of clothing, accoutrements, or appointments, supplied to any person under this Act, and shall not be able satisfactorily to account for his or her possession thereof, or shall put on or assume the dress, name, designation, or description of any person or persons, or of any class of persons, appointed under this Act, for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any other act which such person or persons so putting on or assuming such dress, name, designation, or description would not by law be entitled to do or procure to be done of his or their own authority, every such person so offending shall, in addition to any other punishment to which he or she may be liable for such offence, forfeit and pay for every such offence any sum not exceeding the sum of ten pounds, to be recovered by distress and sale of the goods and chattels of such offender on summary conviction before two justices of the peace, or in default of payment thereof shall be imprisoned for any period not exceeding two calendar months, and kept to hard labour; such penalty to be paid to one of the county paymasters appointed under this Act, and by him paid over to the receiver, to be applied by him in aid of the police reward fund provided in and by this Act.

Penalty on unlawful possession of arms, &c. supplied to constabulary, and on assuming the dress, name, &c. of constables, &c., 10*l.* or two months imprisonment and hard labour.

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XXVII. AND be it enacted, that it shall and may be lawful for the inspector general, subject to the direction and control of the said lord lieutenant or other chief governor or governors, from time to time, as may be deemed

Inspectors, &c. may be ordered to other counties;

expedient, to order and direct that every or any the inspectors, sub-inspectors, paymasters, chief or other constables, or that the whole or any number of chief or other constables or of sub-constables of any county, barony, half barony, or other division of a barony, county of a city, county of a town, or town and liberties, shall go and repair to such place or places in any other county or counties, or in any county of a city or county of a town, or town and liberties, in Ireland, as shall be mentioned in such order, and shall remain there for such length of time, or remove to or remain at any other place or places in the same or any other county, city, or town for such time and times, and shall return to his or their original county, barony, half barony, and other division of a barony, city, or town at such time and times respectively, as shall be mentioned or directed in or by such order, or by any other order or orders which may from time to time be made by such inspector general, subject to the like direction and control; and that such inspectors, sub-inspectors, paymasters, chief and other constables, and sub-constables, when so removed, shall have the same rights, powers, and authorities, and be subject to the same rules, regulations, and orders, and be in all respects in the same situation, in the county or other districts or places to which they shall be so removed, as if they had been originally appointed in and for such county or district.

and their expenses shall then be defrayed by the county in respect of which such expenses are incurred.

XXVIII. AND be it enacted, that where any such order as last aforesaid shall be acted upon, all expenses to be incurred for the purposes of this Act by or on account of any inspector, sub-inspector, paymaster, chief constable or other constable, or sub-constable, shall, during such time as he shall be or remain in any county, or any barony or half barony or other division of a barony, or county of a city, or county of a town, or town and liberties, be defrayed in the same manner in all respects by such county, or barony or half barony or other division of a barony, or county of a city, or county of a town, or town and liberties, in respect of which such expenses shall have been incurred, and to which it shall be by the said lord lieutenant or other chief governor or governors declared that such expenses relate, as if he had been originally appointed in and for the same.

Lord lieutenant may fix salaries of inspectors, &c.

XXIX. AND be it enacted, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland to fix and appoint such annual salaries as to him or them may from time to time seem proper, not exceeding the several sums herein-after specified, to be paid in such manner and subject to such regulations and provisions as he or they may direct, to the several persons appointed under this Act; (that is to say,) to the inspector general of police an annual salary not exceeding one thousand five hundred pounds, to each deputy inspector an annual salary not exceeding eight hundred pounds, to the receiver of the said constabulary force an annual salary not exceeding six hundred pounds, to each county inspector an annual salary not exceeding five hundred pounds, to each sub-inspector an annual salary not exceeding two hundred and fifty pounds, to each paymaster an annual salary not exceeding one hundred pounds, to each chief constable an annual salary not exceeding one hundred and fifty pounds, to each head constable an annual salary not exceeding seventy pounds, to each constable an annual salary not exceeding thirty-five pounds, to each sub-constable an annual salary not exceeding twenty-five pounds, and to the clerks in the office of the inspector general annual salaries not exceeding in the whole for all such clerks the sum of eight hundred pounds [Rep., Stat. Law Rev. Act, 1874.]; and a rateable proportion of such salaries shall be payable for any portion of a year during which any

person entitled thereto may serve or have served; and in case of the dismissal of any such person, and the imposition upon him of any fine or penalty under the provisions of this Act, it shall be lawful to retain and deduct the amount thereof from and out of the salary due or accruing due to such person.

XXX. PROVIDED always, and be it enacted, that no office or employment under this Act shall prevent the holder thereof from receiving any half pay to which, if he did not hold such office or employment, he might be or become entitled under any Act passed or hereafter to be passed, unless it shall be specially mentioned and provided in such Act that persons holding appointments under this Act shall not receive half pay.

Employments under this Act not to prevent the holders from receiving half pay.

XXXI. AND be it enacted, that in any case in which it shall appear to the lord lieutenant or other chief governor or governors of Ireland, by reason of any county or county of a city or county of a town, or town and liberties, being in a state of disturbance, or owing to the absence or non-residence of a magistrate in any county, county of a city, county of a town, or town and liberties, or in any district of any county, or for any other sufficient cause, to be expedient, it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland, by warrant under his or their hand and seal, to appoint during his or their pleasure one or more persons for any county, or for any county of a city or county of a town, to be magistrates for said county, county of a city, county of a town, or town and liberties, or for any part or district of any county, or for any district consisting of any parts of any two or more adjoining counties, or for any one or more barony or baronies in any county, in Ireland, or for any district consisting of any county and of a county of a city or county of a town, town and liberties, or city and county, or any part or parts thereof respectively, and from time to time to dismiss or remove any such magistrate at his or their will and pleasure; and every magistrate who shall be so appointed under this Act shall on his appointment forthwith take the oaths by law required, and in such manner as such oaths are by law required, to be taken by justices of the peace in Ireland, and he shall thereupon to all intents and purposes be and become a justice of the peace in and for the county or counties, or city or town, in and for which he shall be appointed to be such magistrate as aforesaid, and also for each and every county at large, or county of a city or county of a town, town and liberties, or city and county adjoining to or locally situate within such his proper county, city, or town, and shall have within such adjoining county, city, or town, all the authority necessary for the due execution of the provisions of this Act.

Lord lieutenant may in certain cases appoint magistrates by warrant.

XXXII. PROVIDED always, and be it enacted, that the lord lieutenant or other chief governor or governors of Ireland shall, in every such warrant as aforesaid, state specifically the grounds of the appointment of the magistrate to whom it shall relate, and shall cause the name of every such magistrate so appointed to be published in the next Dublin Gazette.

Warrant to contain grounds of appointment; and magistrates names to be published.

XXXIII. PROVIDED always, and be it enacted, that no person appointed to be a magistrate with a salary under this Act shall be capable of holding any other office under this Act.

Salaried magistrates not to hold any other office.

XXXIV. AND be it enacted, that every such magistrate, while he shall hold such office, shall have and receive such salary by the year, not exceeding the sum of four hundred pounds, and rateably for any shorter period, as the lord lieutenant or other chief governor or governors shall from time to time direct, and also such allowance for

Salary of such magistrates.



Expenses of constabulary force to be advanced out of the consolidated fund.

forage as the lord lieutenant or other chief governor or governors of Ireland shall think fit [Rep., 37 & 38 Vict. c. 23. s. 1.] : . . . . .

XXXV. AND be it enacted, that it shall and may be lawful to and for the lord high treasurer, or the commissioners of his Majesty's Treasury, or any three or more of them, for the time being, to order that any such sum or sums as he or they shall think proper shall from time to time be advanced and paid out of the produce of the consolidated fund of the United Kingdom of Great Britain and Ireland, arising in Ireland, for the payment of the several salaries and remunerations and allowances, and the purchase of arms, accoutrements, horses, bridles, saddles, appointments, houses, outhouses, furniture, and accommodations, payable under or proper for the use of the constabulary force to be appointed under this Act, and also for all rents and taxes payable for and in respect of such houses, outhouses, and for repairing all such houses and outhouses from time to time, and for the forage of such horses, and for the expense of the magistrates, inspectors, chief or other constables, or sub-constables, when they shall respectively be absent on duty from their residences under the authority of this Act, and for all other necessary and reasonable costs, charges, and expenses incurred or to be incurred in the execution of this Act; and all money so issued shall be paid to the receiver of the constabulary force of Ireland to be appointed as herein-after mentioned, with such securities and under such rules and regulations as the said lord high treasurer or the commissioners of the Treasury or any three or more of them shall from time to time appoint and direct.

One moiety of such advances to be repaid by the county.

[XXXVI.\*] AND be it enacted, that one moiety of all monies so advanced out of the produce of the consolidated fund for all or any the purposes of this Act (except so much of said advances as shall be for the salaries and expenses of the inspector general, his deputies and clerks, and of all magistrates to be appointed as aforesaid, and of the receiver for the said constabulary force, and of the paymasters in the several counties,) shall be raised by grand jury presentment off each county, county of a city, or county of a town to which the same shall be declared by the lord lieutenant or other chief governor or governors of Ireland to relate, and in or for which such expenses shall be or shall have been incurred.

Inspector general to ascertain the sums chargeable to each county, and certify the same to the grand jury.

[XXXVII.\*] AND be it enacted, that the inspector general to be appointed under this Act shall, with the assistance of the receiver, in sufficient time before each assizes and presenting term, ascertain the amount of the monies chargeable under the provisions of this Act on each county, county of a city, of a town, or any part of any county, and shall make out a certificate thereof under his hand, specifying the force or service in respect whereof such charge may have been incurred, and transmit the same, when approved and certified

[\* So much of this Act as provides that one moiety of the monies advanced out of the consolidated fund for the payment of any of the costs and expenses of the constabulary force to be appointed under this Act, or of any part thereof, shall be defrayed by any county, county of a city, or county of a town, barony, half barony, or place in Ireland, or by presentment of any grand jury in Ireland, or as provides that any part of the costs, charges, or expenses of the said constabulary force shall be borne or paid by or raised or levied from any such county, county of a city, county of a town, barony, half barony, or place, rep., 9 & 10 Vict. c. 97. s. 1., save and except as therein-after mentioned.]

by the chief or under secretary of the said lord lieutenant or other chief governor or governors, to the secretary of the grand jury for such county, county of a city, and county of a town, one week before said assizes and presenting term, who shall lay the same before the grand jury; and thereupon it shall be lawful for such grand jury, and they are hereby required, to make a presentment for the amount stated in such certificate or in any previous certificate, the amount whereof shall not have been already presented, to be raised from off the county at large, county of a city, or county of a town, or city and county respectively, in the same manner as any presentment for constables may by law be now raised therefrom; and it shall not be lawful for the court at any assizes or presenting term to fiat any presentment for raising any other money until such presentment for such expenses be first made and allowed; and whenever the amount stated in such certificate shall be levied, the same shall be paid to such bank or person and in such manner as the lords of the Treasury or the commissioners of the Treasury or any three or more of them shall from time to time think fit to direct and appoint; and thereupon, but not before, as to all sums mentioned in such certificate as aforesaid, such county shall be deemed to be discharged.

XXXVIII. AND be it enacted, that it shall be lawful for the lord high treasurer, or the commissioners of his Majesty's Treasury, or any three or more of them, to appoint a person to receive all sums of money applicable to the purposes of this Act, who shall be called "The Receiver for the Constabulary force of Ireland"; and the said lord high treasurer or the said commissioners or any three or more of them may remove any such person, if he or they shall see occasion so to do, and may, upon any vacancy in that office by death, removal, or otherwise, appoint another person to be such receiver; and the receiver for the time being shall give security to his Majesty in a bond, with two sureties, in such sum as the said lord high treasurer or the said commissioners of the Treasury or any three or more of them, shall direct, such bond to be conditioned for the faithful performance of his duty by such receiver, and for the due application of all monies paid to him under this Act; and the receiver for the time being shall receive all sums of money applicable to the purposes of this Act, and shall keep an exact and particular account thereof, and shall immediately pay all monies, bills, and notes by him received under this Act into the hands of the governor and company of the Bank of Ireland, and the same shall be placed to an account in the books of the said governor and company, which shall be entitled "The Account of the Public Monies of the Receiver for the Constabulary Force in Ireland"; and such receiver shall draw out of the said Bank from time to time such sums of money as may be necessary for the payment of the salaries and allowances payable under this Act, and of all other charges and expenses attendant upon the execution of the same, and shall from time to time transmit to the paymasters of the several counties the monies required to defray all such salaries, charges, and expenses within such counties respectively: Provided always, that the said receiver and the said paymaster shall be governed, in respect to all their pecuniary transactions, whether of receipt or payment, and in respect of the periods in which and for which they shall severally and respectively deliver their accounts of such receipts and payments, accompanied by the proper and necessary vouchers in support thereof, and as to the manner in which such

Receiver to be appointed, &c.

Monies to be lodged in the Bank of Ireland, &c.

accounts shall be kept and prepared and exhibited for audit, by such rules and regulations as shall be issued in that respect from time to time by the lord high treasurer or the commissioners of the Treasury or any three or more of them; and every draft or order for money on the Bank of Ireland, drawn by the receiver, shall be countersigned by the inspector general or by one of his deputies; and all drafts and orders so drawn and countersigned, but not otherwise, shall be a sufficient authority to the Bank to pay the amount thereof to the persons named therein or to the bearers of them.

Receiver and paymaster to be public accountants, and their accounts to be examined by the commissioners of public accounts.

XXXIX. AND be it further enacted, that the said receiver and the said paymaster shall be and be deemed to be public accountants, and shall be subject to the regulations and penalties in force in respect to public accountants; and that their accounts shall be submitted to and examined by the commissioners for auditing the public accounts, or by such person or persons as the lord high treasurer or the commissioners of his Majesty's Treasury or any three or more of them, shall direct.

Receiver to make contracts, and all the property acquired under this Act to be vested in him, &c.

XL. AND be it enacted, that the said receiver for the time being shall make all such contracts as shall be necessary for purchasing or renting any lands or buildings, or for erecting, fitting up, furnishing, or repairing any buildings for the purposes of this Act, in such manner as the lord lieutenant or other chief governor or governors of Ireland shall direct; and the right, title, property, and interest to and in all lands and buildings, and in and to the fixtures and furniture thereof, and in and to all goods and chattels whatsoever, to be from time to time held, rented, or purchased for the purposes of this Act, shall be vested in the said receiver for the time being, in whom shall be vested the property in and to all arms, accoutrements, horses, saddles, bridles, and other necessities, to be at any time furnished to the said constabulary force; and the said receiver for the time being may sell, assign, or dispose of the whole or any part of any such property as aforesaid, and as the lord lieutenant or other chief governor or governors of Ireland shall from time to time direct; and the monies arising from such sale or disposition shall be carried to and make part of the funds arising to the credit of the account of the said receiver at the Bank of Ireland: Provided always, that it shall be lawful for the said lord high treasurer, or lords commissioners, or any three or more of them, from time to time to establish such regulations as he or they may think proper in respect of all contracts to be entered into, or purchases or payments made, for or on account of the said constabulary force; which several rules and regulations shall be certified by the said commissioners of the Treasury to the said receiver and to the several and respective paymasters of the several counties, and shall be of full force and authority, and shall be observed by all persons whatsoever, in relation to all matters and things therein contained.

Upon the death or removal of receiver, the balance of cash at the Bank, &c. shall be transferred to his successor, &c.

XLI. AND be it enacted, that upon the death, resignation, or removal of any receiver appointed under this Act the balance of cash for which he shall at that time have credit on his account as receiver with the governor and company of the Bank of Ireland, or on the superannuation fund or reward fund account, and all stock, bills, notes, government or other securities for money, which he may at such time have in that character, shall, as soon as a successor shall be appointed to the office of receiver, actually vest in such successor, and shall be immediately transferred to the account of such successor, to be applied for the purposes of this Act; and the receiver for the time being

is hereby required to issue his drafts or orders, countersigned by the said inspector general or deputy inspector, for all unsatisfied charges and demands payable out of the monies in the Bank, although the same shall have accrued in the time of any former receiver.

**XLII.** AND be it enacted, that if any person, having resigned or having been removed from the office of receiver, shall neglect, within twenty-one days after notice for such purpose, to account for and pay to any succeeding receiver all such sums of money as shall remain in his hands applicable to the purposes of this Act, it shall be lawful for the receiver for the time being, in his own proper name only, or by name and description of office, to sue for and recover the same from such person, with double costs of suit [Rep., 5 & 6 Vict. c. 97. s. 2.], in any of his Majesty's courts of record at Dublin, by action of debt, in which action it shall be sufficient for such receiver to declare as for money had and received to the use of such receiver for the purposes of this Act; and the defendant in the action may, at the discretion of any judge of such court, be held to special bail in such competent sum as the judge shall order; and the court in which the action shall be brought may, at the instance of either of the parties, refer the account in dispute in a summary manner to be audited by any officer of the court, or other fit person, who may examine both plaintiff and defendant upon oath (which oath the said referee shall have power to administer), and upon the report of such referee, unless either of the parties shall show good cause to the contrary, the court may make a rule, either for the payment of such sum as upon the report shall appear to be due, or for staying the proceedings in the action, and upon such terms and conditions as to the court shall appear reasonable, or the court may order judgment to be entered up by confession for such sum as upon the report shall appear to be due.

Upon removal of receiver, his successor may sue for any balance remaining in his hands.

Court may refer the accounts to an officer or arbitrator.

**XLIII.** AND be it enacted, that in case of the death of any person during the time that he shall be holding the office of receiver, or after he shall have resigned or been removed from such office, the receiver for the time being may, in his own proper name only, or by his name and description of office, sue for and recover from the executors or administrators of such persons deceased all such sums of money as shall have been remaining in his hands, applicable to the purposes of this Act, in any of his Majesty's courts of record at Dublin, in which action it shall be sufficient for the plaintiff to declare that the deceased was indebted to the plaintiff for money had and received to his use for the purposes of this Act, or that the deceased died possessed of money had and received for the purposes of this Act, whereby an action hath accrued to the plaintiff to demand and have the same from such executors or administrators; and the like action may be brought against any executors or administrators of executors or administrators; and in all such actions the defendant or defendants may plead in like manner, and avail themselves of the like matters in defence, as in any action founded upon simple contracts of the original testator or intestate; and the court may refer the account in dispute to be audited by any officer or person, and may proceed upon the report of such referee, in like manner as herein-before mentioned; and in all actions to be brought, as well as in all proceedings whatsoever to be instituted or carried on by any receiver by virtue of this Act, proof of his acting in the execution of the office of receiver shall be sufficient evidence of his holding such office, unless the contrary shall

Mode of proceeding against the representatives of a deceased receiver.

Proof of receiver's official character.

be shown in evidence by the defendants in such actions, or the parties against whom such proceedings shall be instituted or carried on.

Reputation to be evidence of appointments.

XLIV. AND be it enacted, that if any question shall arise as to the right of any magistrate, or of any inspector, sub-inspector, chief constable or head constable, or sub-constable, to hold or execute any such office respectively, common reputation shall to all intents and purposes be deemed and held to be sufficient evidence of such right; and it shall not be necessary to produce any appointment, or any oath, affidavit, or other document or matter whatsoever, in proof of such right.

This Act not to affect high constables, or parish or leet constables.

XLV. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend, or in anywise be deemed or construed to extend, to repeal, affect, or take away the election or appointment of high constables by grand juries for the purpose of collecting the sums presented by such grand juries, or of parish constables, or constables of any leet, in Ireland, or of petty constables of baronies or districts, by grand juries or by magistrates at sessions, or to take away or diminish or infringe the powers or authorities of any such constables in any respect whatever; but no such constable shall be deemed to belong to the said constabulary force, nor as such be entitled to any payment or salary under this Act.

Superannuation fund to be provided.

XLVI. AND be it enacted, that there shall be deducted from the pay and salary of the several persons appointed under this Act, except the receiver and paymasters, the sum of two pounds per centum per annum, and so rateably from any pay or salary of whatever amount; which sum so deducted shall from time to time be invested in government stock by and in the name of such receiver, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein-after next mentioned, shall be likewise invested in such stock, and accumulate so as to form a fund to be called "The Police Superannuation Fund," [Rep., Stat. Law Rev. Act, 1874.] . . . . .

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Fines on constables and penalties payable to the police to form a fund to be called the "Police Reward Fund."

XLIX. AND be it enacted, that all fines imposed on any chief or other constable under this Act, and all penalties or proportions of penalties and damages awarded to any chief or other constable or other person appointed under this Act by any justice or justices of the peace, on any summary conviction, as the prosecutor of any information or otherwise, shall be paid to the paymaster of each county, county of a city, or county of a town, in which such fine shall be imposed or such conviction shall be had, and shall be by such paymaster paid to the said receiver to be appointed under this Act in such manner as the said lords commissioners of the Treasury shall from time to time direct, so as that the same may form a fund to be called the "Police Reward Fund," to be invested in government stock by and in the name of such receiver for the time being, and accumulate for the payment of such rewards, gratuities, bounties, pensions, or other allowances, as the lord lieutenant or other chief governor or governors of Ireland may from time to time award or direct to be paid to any person or persons appointed under this Act, or to the widows and families of any such person on his death; and that it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland to direct, if he or they shall think fit, that any proportion not exceeding ten shillings in the year for every one hundred pounds of the salary of every person appointed under this Act, and so in proportion for any salary less than one hundred pounds, shall, in addition to the deduction herein-before mentioned of two pounds per centum per

annum towards the formation of the said superannuation fund, be deducted yearly from such salaries, and added to the said reward fund, and form part thereof.

L. PROVIDED always, and be it enacted, that when any action shall be brought against any constable for any act done in obedience to the warrant of any magistrate, such constable shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction in the magistrate issuing the same, and such constable may plead the general issue and give such warrant in evidence; and upon producing such warrant, and proving that the signature thereto is the handwriting of the person whose name shall appear subscribed thereto, and that such person is reputed to be and acts as a magistrate of such county or district (as the case may be), and that the act or acts complained of were done in obedience to such warrant, the jury who shall try the said issue shall find a verdict for such constable, and such constable shall recover his costs of suit.

Protection of constables in executing warrants.

LI. AND be it enacted, that each paymaster appointed under this Act shall keep accounts of all sums received and of all payments and disbursements made on account of the constabulary force in each county or district for which he shall act; and that such accounts shall be made up on the first day of every month, and transmitted to the said receiver; and a copy of each such monthly account shall on the same day be transmitted to the secretary of the grand jury of the county, county of a city, or county of a town to which the same shall relate, and be by him laid before the magistrates at the special road sessions next preceding the next general assizes, who shall inspect the same, and, if they shall so think fit, examine the said paymaster on oath as to any matter or thing contained in such account, and each such paymaster shall for that purpose attend such special road sessions, if so required, and submit to such examination; and the chairman of such special road sessions shall transmit each such monthly account to the said inspector general, with such remarks thereon as such special road sessions shall think fit to make [Rep., Stat. Law Rev. Act, 1874.].

Each paymaster to keep monthly accounts of receipts and payments, &c.

LII. AND be it further enacted, that every sub-inspector appointed under this Act shall on the first day of every month transmit to the said inspector general a return, showing the actual disposition and number of the constabulary force of the county for which such sub-inspector shall act during the preceding month, which return shall specify the changes made from time to time therein, as well in number as by name, and shall distinguish by number and name the members of the police force of other counties serving within any such county, county of a city, or county of a town, and shall also on the same day transmit to the secretary of the grand jury of the county, county of a city, or county of a town, to which such return shall relate, a copy of the said return, to be laid before the magistrates at their special road sessions next preceding the next general assizes, for examination.

Sub-inspectors to transmit to inspector general, and to the secretary of the grand jury, monthly returns of the disposition and number of the constabulary force.

LIII. PROVIDED always, and be it further enacted, that the inspector general to be appointed under this Act shall, in making out his certificate as herein-before provided of the monies chargeable under the provisions of this Act on each county, county of a city, county of a town, or part of a county, have regard to such monthly returns as aforesaid, and shall not include in his certificate the amount of any charge with respect to which any objection shall have been raised by the special road sessions of any county, county of a city, or county of a town, until, upon inquiry made by such inspector general, he shall be satisfied that such charge is not only reasonable,

The certificate of charge to be prepared by the inspector general upon the monthly returns.

but has been properly made against the particular county, county of a city, or county of a town, the special road sessions of which shall have raised objection thereto.

Certain charges not to be included in the certificate.

LIV. PROVIDED further, and be it enacted, that the inspector general shall not include in his certificate any charge which shall have accrued subsequently to the date of the last monthly account which shall have been submitted to the magistrates of the county, county of a city, or county of a town to which such demand shall relate, at their general special road sessions next preceding the date of such certificate.

What to be deemed the county of Dublin.

LV. PROVIDED always, and be it enacted, that only so much of the county of Dublin as is not comprised within the police district of Dublin metropolis, as the same may be defined by any Act passed or to be passed, shall for the purposes of this Act be deemed to be the county of Dublin.

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Statement of amount of constabulary force, &c. to be laid annually before Parliament.

LVII. AND be it enacted, that there shall be laid annually before both Houses of Parliament, during their sitting, a statement of the amount of constabulary force employed in each county, county of a city, and county of a town in Ireland, in which statement shall be particularly distinguished the number of persons in each class or rank of the constabulary force so employed, with the salaries and allowances actually enjoyed by each class; and that such statement shall be accompanied by an account of the whole expenditure upon the police constabulary in each county, county of a city, or county of a town, together with a summary of the total amount of force employed, and of the total expenditure upon the constabulary force in Ireland; such statements and accounts to refer to the year ended on the first of January of the year in which they are hereby directed to be laid before Parliament.

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## CHAPTER XIX.

AN ACT for separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishoprick of Durham. [21st June 1836.]

The palatine jurisdiction of the bishop of Durham to be separated from the bishoprick and vested in the crown.

**B**E it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act the bishop of Durham for the time being shall have and exercise episcopal and ecclesiastical jurisdiction only; and that from and after the commencement of this Act the palatine jurisdiction, power, and authority heretofore vested in and belonging to the bishop of Durham shall be separated from the bishoprick of Durham, and shall be transferred to and vested in his Majesty, his heirs and successors, as a franchise and royalty separate from the crown, and shall be exercised and enjoyed by his Majesty, his heirs and successors, (as a separate franchise and royalty,) in as large and ample a manner in all respects as the same has been heretofore exercised and enjoyed by the bishop of Durham; and that all forfeitures of lands or goods for treason or otherwise, and all mines of gold and silver, treasure trove, deodands, escheats, fines, and amerciaments, and all jura regalia of what nature or kind soever, which, if this Act had not passed, would or might belong to

the bishop of Durham for the time being, in right of the county palatine of Durham, shall be vested in and belong to his Majesty and his successors in right of the same: Provided always, that nothing herein-before contained shall prejudice or affect the jurisdiction of any of the courts of the said county palatine, . . . . .

II. AND be it further enacted, that from and after the commencement of this Act all the power, authority, and jurisdiction of the court called "The Court of the County of Durham," and of the clerk of the court of the county of Durham as judge of the same court or otherwise, shall cease and determine; . . . . .: Provided always, that after the commencement of this Act the sheriff for the time being of the said county palatine shall and may have and exercise the same power of holding a county court, and the same jurisdiction therein, as is usually had and exercised by sheriffs of other counties in England.

Court of county of Durham to cease.

III. AND be it further enacted and declared, that after the passing of this Act it shall be lawful for his Majesty and his successors to appoint a custos rotulorum of the said county of Durham, and from time to time to appoint to that office on every future vacancy thereof.

Custos rotulorum to be appointed.

\* \* \* \* \*

VI. PROVIDED always, and be it further enacted, that nothing in this Act contained shall affect the right of any person holding a patent of any office, whether abolished by this Act or not, to receive any fee or stipend granted by such patent out of the revenues of the bishoprick of Durham; and that such revenues shall continue and be subject to all the same fees and stipends in respect of any office in the said county of Durham as the same have been heretofore subject to.

Reservation of patent fees to patentees.

VII. AND be it further enacted, that in the interpretation of the clauses and provisions herein-before contained the words "county of Durham" shall comprise and mean the county of Durham and Sadberge, including the detached parts of Craikshire, Bedlingtonshire, Norhamshire, Allertonshire, and Islandshire, and all other places heretofore within the jurisdiction of the bishop of Durham in right of the said county palatine.

Extent of the words "county of Durham."

\* \* \* \* \*

IX. PROVIDED always, and be it further enacted, that nothing herein-before contained shall have the effect of severing or separating from the said bishoprick, or of affecting the rights and powers of the said bishop in, over, or upon or with respect to any lordships, manors, houses, lands, tenements, tithes, rents, collieries, mines, minerals, rectories, advowsons, profits, or emoluments of any kind or description whatsoever, whether held in right of the said bishoprick or in right of the said county palatine, or otherwise howsoever, other than and except only any profits and emoluments herein-before expressly mentioned and directed to be severed therefrom.

Reservation of rights to the bishoprick.

\* \* \* \* \*



## CHAPTER XX.

AN ACT for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons. [21st June 1836.]

Restrictions on ecclesiastical persons granting leases by way of renewal.

**W**HEREAS it is expedient that such provision as is herein-after contained should be made respecting the granting of ecclesiastical leases: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the passing of this Act no archbishop or bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, or prebendary, or other spiritual person, nor any master or guardian of any hospital, shall grant any new lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, by way of renewal of any lease which shall have been previously granted of the same for two or more lives, until one or more of the persons for whose lives such lease shall have been so made shall die, and then only for the surviving lives or life and for such new life or lives as, together with the life or lives of such survivor or survivors, shall make up the number of lives, not exceeding three in the whole, for which such lease shall have been so made as aforesaid; and that where any such lease shall have been granted for forty years, no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian, shall grant any new lease, by way of renewal of the same, until fourteen years of such lease shall have expired; and that where any such lease shall have been made as aforesaid for thirty years, no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall grant any new lease, by way of renewal of the same, until ten years of such lease shall have expired; and where any such lease shall have been granted for twenty-one years, no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall grant any new lease, by way of renewal of the same or (in the case of archbishops or bishops) concurrently therewith, until seven years of such lease shall have expired; and that where any such lease shall have been granted for years, no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall grant any lease, by way of renewal of the same or otherwise, for any life or lives; any law, statute, or custom to the contrary notwithstanding.

Recitals in lease to be taken as evidence of facts.

**II.** AND be it further enacted, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian, shall hereafter grant any renewed lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, such lease shall contain a recital or statement, in the case of a lease for lives, setting forth the names of the several persons named as cestuique vie in the then last preceding lease of the same premises, and stating which of such persons, if any, is or are then dead, or for whose life that of some other person has been exchanged by virtue of the proviso herein-after contained, and, in case of a lease for years, setting forth for what term of years the last preceding lease of

the same premises was granted, and how much of such term has then expired, and how much remains to come and unexpired, every such recital or statement shall, so far as relates to the validity of the lease so to be granted as aforesaid, be deemed and taken to be conclusive evidence of the truth of the matter so recited or stated.

III. AND be it further enacted, that if any person shall execute any such lease, or any counterpart thereof, knowing such recital or statement, or any part thereof, to be false, or shall wilfully introduce or cause to be introduced, or aid or assist in introducing, any such recital or statement into any such lease, knowing the same or any part thereof to be false, or shall prepare or ingross, or cause to be prepared or ingrossed, any lease or counterpart of a lease containing any such false recital or statement as aforesaid, knowing the same or any part thereof to be false, every person so offending shall be deemed and taken to be guilty of a misdemeanor; and every person so offending shall, in addition to any punishment to which he may be liable, forfeit and pay to any person suing for the same the full sum of five hundred pounds, or, at the option of such person, five years improved annual value of the hereditaments comprised in such lease.

Penalty on persons introducing recitals into lease, &c. knowing the same to be false.

IV. PROVIDED nevertheless, and be it enacted, that in cases where it shall be certified in manner herein-after mentioned that for ten years now last past it hath been the usual practice (such practice having in the case of a corporation sole commenced prior to the time of the person for the time being representing such corporation) to renew such leases for forty, thirty, or twenty-one years respectively, at shorter periods than fourteen, ten, or seven years respectively, nothing herein contained shall prevent any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian, from granting a renewed lease conformably to such usual practice; provided that such usual practice shall be made to appear to the satisfaction of the archbishop of the province in the case of a lease granted by such archbishop or by a bishop, and in the case of a lease granted by any other corporation or person to the satisfaction of such archbishop and also of the bishop having jurisdiction over such corporation or person, and shall before the granting of such lease be certified in writing under the hand of the archbishop in the one case, and of the archbishop and bishop in the other case; the certificate so signed by an archbishop only to be afterwards deposited in the registry of such archbishop, and the certificate so signed by an archbishop and also by a bishop to be afterwards deposited in the registry of such bishop; which certificate shall be conclusive evidence of the facts thereby certified.

Ecclesiastical persons may grant certain leases conformable to usual practice.

V. PROVIDED also, and be it enacted, that nothing herein contained shall prevent any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian, from exchanging any life or lives in being, for which any lease shall have been granted as aforesaid, and accordingly granting any renewed lease with a view to effectuate such exchange of a life or lives; provided that the same shall be approved of (in the case of an archbishop) by his Majesty in council, or (in the case of a bishop) by the archbishop of the province, or (in the case of any inferior corporation or person) by the archbishop of the province and bishop of the diocese; such approbation, when required to be given by his Majesty in

Act not to prevent ecclesiastical persons effecting exchanges of lives under certain conditions.

council, to be testified by the president of the council certifying on the renewed lease to be granted as aforesaid such approbation, and in all other cases to be testified by the person or persons whose approval is hereby required certifying on such renewed lease his or their approbation of the same.

Act not to prevent grants or renewals of leases under Acts of Parliament ;

VI. PROVIDED also, and be it enacted, that nothing in this Act contained shall prevent any grants or renewals of leases which may have been authorized by Acts of Parliament specially relating to the particular estates demised by such leases.

nor, by way of confirmation, for same term as existing leases.

VII. PROVIDED also, and be it enacted, that nothing in this Act contained shall prevent a lease from being granted, with a view to confirm any title or otherwise, for the life or lives of the same person or persons or for the lives or life of the survivors or survivor of them, or for the same term of years, and commencing at the same period, as the lease last granted for a life or lives or a term of years respectively.

Act not to render valid illegal leases.

VIII. PROVIDED also, and be it enacted, that no lease not authorized by the laws and statutes now in force shall be rendered valid by any thing in this Act contained.

Leases contrary to this Act void.

IX. AND be it enacted, that if any lease contrary to this Act shall have been granted since the first day of March in the year one thousand eight hundred and thirty-six, or shall be granted after the passing of this Act, every such lease shall be void to all intents and purposes whatsoever: Provided always, that nothing in this Act contained shall be deemed or taken to affect any lease granted or to be granted pursuant to any covenant or agreement entered into previously to the first day of March one thousand eight hundred and thirty-six.

Act not to extend to Ireland.

X. AND be it further enacted, that nothing in this Act contained shall be deemed or taken to extend to Ireland.

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## CHAPTER XXII.

AN ACT to enable Bastards in Scotland to make Testaments.

[21st June 1836.]

Bastards in Scotland may dispose of moveable estates by testament.

**W**HEREAS it is just, humane, and expedient that bastards or natural children in Scotland should have the power of disposing of their moveable estates by testaments or last wills: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful to bastards or natural children domiciled in Scotland to dispose of their moveable estates by testament or last will in like manner as other persons belonging to that country may do; any law or practice to the contrary notwithstanding.

## CHAPTER XXVIII.

AN ACT to enable Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to the Postmaster General, and Commissioners of Land Revenue, Customs, Excise, Stamps, and Taxes.

[4th July 1836.]

**W**HEREAS it is expedient to enable persons and bodies corporate from whom security may be required in respect of any matter relating to the revenues of the post office, land revenue, customs, excise, stamps, or taxes, in lieu of giving such security by bond, to give the same by transfer of stocks or deposit of Exchequer bills in the manner herein-after mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for any person or persons or for any bodies corporate from whom any such security is required, and who may be desirous of adopting the provisions of this Act, in lieu of giving the same by bond, by and with the consent of the commissioners of his Majesty's Treasury, or any three or more of them, to transfer into the name of the postmaster general, or of the chief commissioner of his Majesty's woods, forests, land revenues, works, and buildings, or of the chairman for the time being of the commissioners of that department of the revenue in respect of which such security is required, in the books of the governor and company of the Bank of England, so much of any public stock standing in the said books in the name or names of such person or persons or bodies corporate, or to deposit in the Bank of England in the name of the said postmaster general, or chief commissioner, or of such chairman, such an amount of Exchequer bills, as shall be in the judgment of the said commissioners of his Majesty's Treasury, or any three or more of them, a sufficient security and indemnification against all contraventions of the duty or purpose for the due performance of which such security was required.

Persons required to give security to different departments of the revenue may do so by a transfer of stock or deposit of Exchequer bills.

II. AND be it further enacted, that it shall be lawful for the said postmaster general upon the certificate of the accountant general of the post office, and for such chief commissioner and for such chairman as aforesaid upon the certificate of any two or more of the commissioners of such department of the revenue, that the revenue has been damnified by any act done or any payment or duty omitted in contravention of the duty or purpose for the due performance of which such security was required as herein-before mentioned, and they and each of them are hereby required, to sell so much of such stock or of such Exchequer bills as shall be necessary to make good any loss so occasioned, and to pay the proceeds thereof to the receiver general of that department of revenue in respect of which such loss has been sustained.

Such stock or bills to be sold upon certificate of default in the conditions of deposit, and the produce paid to the department suffering by the default.

III. AND be it further enacted, that when any stock shall be transferred, or any deposit of Exchequer bills shall be made, in pursuance of this Act, the said stock shall be transferred into and the said Exchequer bills shall be deposited in the name of his Majesty's postmaster general, the said chief commissioner, or the chairman of the board of customs, excise, or stamps and taxes, as the case may be; and the account into which such stock shall be transferred, or in which such deposit shall be made, shall be so headed in the books of the

Such stock or bills to stand in the bank books in the name of the postmaster general, &c., and not be transferred except upon certificate.

governor and company of the Bank of England ; and no transfer of such stock, or delivery or sale of such Exchequer bills, shall be made, except upon such certificate as is herein mentioned.

Form of certificate.

IV. AND be it further enacted, that every such certificate shall be drawn up in the form given in the schedule annexed to this Act.

A declaration of the purposes for which the security is given to be made in the form given in the schedule.

V. AND be it further enacted, that upon every such transfer or deposit as aforesaid a declaration of the purposes for which the security is given, in the form given in the schedule annexed to this Act, shall be signed by the person or persons, or by the treasurer or secretary or other chief officer of any body corporate, transferring such stock or making such deposit, and by the postmaster general, or the said chief commissioner, or by any two or more of the commissioners of the department of the revenue requiring such security ; and such declaration shall be deposited with the said postmaster general, such chief commissioner, or with such commissioners.

Such declaration, &c. to apply to Exchequer bills received in exchange for those deposited.

VI. AND be it further enacted, that the declaration to be signed as aforesaid, and all the provisions in this Act contained relating to the deposit of Exchequer bills, shall be deemed to apply as well to the particular bills so to be deposited, as to any other bills to be received from time to time in exchange for such bills, or for the bills from time to time received in exchange, in consequence of such bills or any of them being ordered to be paid off.

The commissioners of the Treasury, postmaster general, &c. not personally liable for acts done by them in pursuance of this Act.

VII. AND be it further enacted, that neither the commissioners of his Majesty's Treasury, nor the said postmaster general, nor the said chief commissioner, nor the said chairman, nor the said commissioners of the said departments of the revenue, nor any of them, shall be in any way personally liable for any act done by them or any of them in pursuance of this Act ; but that all actions and suits, both at law and in equity, commenced against them or any of them in pursuance of this Act, shall be null and void, and shall be quashed and vacated, upon summary motion, by the court in which they are commenced ; which court is hereby required to give to the defendant in such an action or suit the full costs of such motion, to be taxed as between attorney and client.

Stock so transferred and Exchequer bills so deposited to vest in successors of deposites.

VIII. AND be it further enacted, that all stock transferred to and all deposits of Exchequer bills made in the name of the said postmaster general, or of such chief commissioner, or of the said chairmen respectively, by virtue of this Act, shall have the effect of vesting such stock or Exchequer bills for the purposes of this Act in the postmaster general, such chief commissioner, and in such chairmen for the time being, and their successors, who are hereby authorized and required to make sales of stock and Exchequer bills as is herein mentioned.

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Such stock or Exchequer bills to be re-transferred upon certificate that security is no longer required.

X. AND be it further enacted, that it shall be lawful for the said postmaster general, such chief commissioner, and for the chairmen respectively, and their successors, and they are hereby required, upon the application of the person or persons or bodies corporate transferring such stock or depositing such Exchequer bills, and upon the certificate of the accountant general of the post office, or of any two or more of the commissioners of the revenue upon whose account such transfer or deposit has been made, that such transfer or deposit is no longer necessary for the security of the revenue under their charge, to

re-transfer such stocks or to deliver up such Exchequer bills to the person or persons or bodies corporate who transferred or deposited the same.

XI. AND be it further enacted, that such re-transfer or delivery made to the personal representatives of any person or persons transferring or depositing such stock or Exchequer bills shall be valid and effectual to all intents and purposes whatever.

Re-transfer to personal representatives of depositors.

XII. AND be it further enacted, that where any joint stock companies, having any joint stock or Exchequer bills in the name or names of any person or persons as trustees for the partners forming such company, shall be desirous of making any transfer of stock or deposit of Exchequer bills for the purposes mentioned in this Act, it shall be lawful for them so to do, and all the provisions in this Act shall apply to transfers and deposits so made.

Joint stock companies may have the benefit of this Act.

XIII. AND be it further enacted, that the governor and company of the Bank of England shall be and are hereby indemnified for any act done or permitted to be done by them in pursuance of this Act; and that all actions and suits, both at law and in equity, commenced against the said governor and company of the Bank of England for and in respect of any such act or acts, shall be null and void, and shall be quashed and vacated, upon summary motion, by the court in which they are commenced; which court is hereby required to give to the defendant in such an action or suit the full costs of such motion, to be taxed as between attorney and client.

Governor and company of the Bank of England indemnified for any acts done by them in pursuance of this Act.

XIV. AND whereas disputes may arise between parties making transfers and deposits in manner herein-before mentioned, whether any default has been made or any damage has been sustained to the amount certified in manner herein-before mentioned: Be it further enacted, that all such disputes shall be determined in a summary manner in one or other of his Majesty's courts of King's Bench, Common Pleas, or Exchequer at Westminster, and that there shall be no appeal against any decision so made: Provided always, that if it shall seem just to the judges of any of the said courts that any sum of money paid by virtue of this Act should be repaid, to order the receiver general of the revenue to which it has been paid to repay the same to such person or persons and on such account as the said judges shall think fit.

Courts at Westminster to determine disputes about defaults; and may order the repayment of money paid by virtue of this Act.

XV. AND be it further enacted, that any sum of money paid by any receiver general under such an order shall be allowed to him in account, and such receiver shall not be again called upon for such sum in any manner whatsoever; and any proceedings instituted to compel such receiver general to pay such sum shall be null and void, and shall be set aside by the court in which the same may have been instituted, upon summary motion.

Sums paid to be allowed in account to receiver general paying them.

XVI. AND be it further enacted, that it shall be lawful for the judges of any of the said courts to direct that any question arising before them upon such proceeding may be tried by a jury in such manner as such judges shall direct.

Judges may direct questions to be tried by a jury.

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## SCHEDULE to which this Act refers.

## FORM of DECLARATION.

It is hereby declared, that \_\_\_\_\_ has [transferred stock, or hath deposited Exchequer bills, as the case may be] to the amount of \_\_\_\_\_ as a security for \_\_\_\_\_ pursuant to the provisions of an Act of Parliament passed, et cætera.

## FORM of CERTIFICATE.

To His Majesty's Postmaster General, [or to the Chief Commissioner of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or Chairman of \_\_\_\_\_ as the case may be].

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ stock [or Exchequer bills] were transferred [or deposited, as the case may be] as a security for \_\_\_\_\_ [state the purpose for which the security was given]

This is to certify, that \_\_\_\_\_ [state the breaches] and that the revenue of \_\_\_\_\_ hath been thereby damnified to the extent of \_\_\_\_\_ [or that such security is no longer necessary].

## CHAPTER XXIX.

AN ACT for improving the Police in the District of Dublin Metropolis.

[4th July 1836.]

**W**HEREAS it is expedient to substitute a new and more efficient system of police within the limits of the district of Dublin metropolis, and to constitute an office of police, which, acting under the immediate authority of the chief secretary of the lord lieutenant, shall direct and control the whole of such new system of police within those limits: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland to cause a new police office to be established in the city of Dublin, and by warrant under his hand and seal to appoint two fit persons as justices of the peace for and of the police district of Dublin metropolis, as the same is constituted and defined in and by an Act made in the forty-eighth year of the reign of his late Majesty King George the Third, intituled "An Act for the more effectual administration of the " office of a justice of the peace, and for the more effectual prevention of " felonies, within the district of Dublin metropolis, and for and of the counties " of Dublin, Wicklow, Kildare, and Meath," and of all liberties therein, to execute the duties of a justice of the peace at the said office, and in all parts of those several counties, and the liberties therein, and of said district, together with such other duties as shall be herein-after specified, or as shall be from time to time directed by the chief secretary of the lord lieutenant, or in his absence by the under secretary for the time being, for the more efficient administration of the police within the said limits; and it shall be lawful for the said lord lieutenant or other chief governor or governors to remove either of the

Lord lieutenant may establish a new police office, and appoint two persons as justices for the police district of Dublin metropolis constituted by 48 Geo. 3. c. 140.

said justices, if he or they shall see occasion so to do, and upon any vacancy in the said office by death, removal, or otherwise, to appoint another fit person as a justice of the peace of the said district, counties, and liberties, to execute the duties aforesaid, in lieu of the person making such vacancy ; and it shall be lawful so to appoint any person to be a justice of the peace by virtue of this Act, and for such person, during the continuance of his appointment, to execute the duties of a justice of the peace for the said district and counties and liberties, although he may not have any such qualification by estate as is required by law in the case of any other person being a justice of the peace for any county : Provided always, that no such person shall act as a justice of the peace at any court of general or quarter sessions, nor in any matter out of sessions, except for the preservation of the peace, the prevention of crimes, the detection and committal of offenders, and in carrying into execution the purposes of this Act.

Justices need not have any qualification by estate.

Justices not to act at quarter sessions, &c.

II. AND be it enacted, that every person to be appointed a justice of the peace by virtue of this Act shall, before he shall begin to execute the duties of his office, take the following oath before some justice or baron of one of his Majesty's courts of record at Dublin ; (that is to say,)

Oath to be taken by the justices.

' I A.B. do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute all the powers and duties of a justice of the peace under and by virtue of an Act passed in the sixth year of the reign of King William the Fourth, intituled "An Act for improving the police in the district of Dublin metropolis."'

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IV. AND be it enacted, that a sufficient number of fit and able men shall from time to time, by the directions of the chief secretary of the lord lieutenant, or in his absence of the under secretary for the time being, be appointed as a police force for the whole of such district, who shall be sworn in by one of the said justices to act as constables for preserving the peace, and preventing robberies and other felonies, and apprehending offenders against the peace ; and the men so sworn shall, not only within the said district, but also within the counties of Dublin, Wicklow, Kildare, and Meath, and within all liberties therein, have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have within his constablewick by virtue of the common law of this realm, or of any statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the said justices for conducting themselves in the execution of their office.

A police force for the whole district to be appointed, &c.

V. AND be it enacted, that the said justices may from time to time, subject to the approbation of the lord lieutenant or other chief governor or governors of Ireland, frame such orders and regulations as they shall deem expedient, relative to the general government of the men to be appointed members of the police force under this Act, the places of their residence, the classification, rank, and particular service of the several members, their distribution and inspection, the description of arms, accoutrements, and other necessities to be furnished to them, and which of them shall be provided with horses for the performance of their duty, and all such other orders and regulations relative to the said police force as the said justices shall from time to time deem expe-

Justices may make regulations for the management of the police force.



Policemen may  
be suspended  
or dismissed  
by the justices.

dient for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties; and the said justices may at any time suspend or dismiss from his employment any man belonging to the said police force whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed or cease to belong to the said police force, all powers vested in him as a constable by virtue of this Act shall immediately cease and determine.

Penalty on  
publicans, &c.  
harbouring  
policemen  
during the  
hours of duty.

VI. AND be it enacted, that if any victualler or keeper of any house, shop, room, or other place for the sale of any liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any man belonging to the said police force, or permit such man to abide or remain in his house, shop, room, or other place during any part of the time appointed for his being on duty, every such victualler or keeper as aforesaid, being convicted thereof before any two justices of the peace, shall for every such offence forfeit and pay such sum not exceeding five pounds as they shall think meet.

Powers of  
policemen.

VII. AND be it enacted, that it shall be lawful for any man belonging to the said police force, during the time of his being on duty, to apprehend all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, and all persons whom he shall find between sunset and the hour of eight in the forenoon lying in any highway, yard, or other place, or loitering therein, and not giving a satisfactory account of themselves, and to deliver any person so apprehended into the custody of the constable appointed under this Act, who shall be in attendance at the nearest watch-house, in order that such person may be secured until he can be brought before a justice of the peace, to be dealt with according to law, or may give bail for his appearance before a justice of the peace, if the constable shall deem it prudent to take bail, in the manner herein-after mentioned.

Night constables may take  
bail for appearance of parties  
before a justice,  
&c.

VIII. AND be it enacted, that where any person charged with any petty misdemeanor shall be brought, without the warrant of a justice of the peace, into the custody of any constable appointed under this Act, during his attendance in the night-time at any watch-house within the said police district of Dublin metropolis, it shall be lawful for such constable, if he shall deem it prudent, to take bail by recognizance, without any fee or reward, from such person, conditioned that such person shall appear for examination before a justice of the peace at some place to be specified in the recognizance, at the hour of ten in the forenoon next after such recognizance shall be taken, unless that hour shall fall on a Sunday, or on Christmas Day or Good Friday, and in that case at the like hour on the succeeding day; and every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a justice of the peace; and the constable shall enter in a book to be kept for that purpose in every watch-house the names, residence, and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such justice as shall be present at the time and place when and where the party is required to appear; and if the party does not appear at the time and place required, or within one hour after, the justice shall cause a record of the recognizance to be drawn up,

to be signed by the constable, and shall return the same to the next general or quarter sessions of the peace for the city of Dublin or for the county of Dublin respectively, as the case may require, in which the offence charged should be brought to trial, with a certificate at the back thereof, signed by such justice, that the party has not complied with the obligation therein contained; and the clerk of the peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in the sessions of the peace; and if the party not appearing shall apply, by any person on his behalf, to postpone the hearing of the charge against him, and the justice shall think fit to consent thereto, the justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by binding the party over to answer the matter thereof at the sessions, or otherwise, the recognizance for the appearance of the party before a justice shall be discharged without fee or reward.

IX. AND be it enacted, that if any person shall assault or resist any person belonging to the said police force in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before two justices of the peace, shall for every such offence forfeit and pay such sum not exceeding five pounds as the said justices shall think meet.

Punishment  
of assaults on  
policemen.

X. AND be it enacted, that it shall be lawful for the lord high treasurer, or commissioners of the Treasury, or any three or more of them, either to order and direct the receiver to be appointed under an Act passed or to be passed in this present Parliament to consolidate and amend the laws relating to the constabulary force in Ireland, or to appoint such other person as they may think proper, to receive all sums of money applicable to the purposes of this Act, and to revoke such order and direction, or remove any such receiver, if he or they shall see occasion so to do, and upon any vacancy in that office by death, removal, or otherwise, to appoint another person to be such receiver;

Treasury may  
appoint a per-  
son to be the  
receiver of all  
money applic-  
able to the  
purposes of this  
Act.

. . . . . and the receiver for the time being shall receive all sums of money applicable to the purposes of this Act, and shall keep an exact and particular account thereof, and shall immediately pay all monies, bills, and notes by him received under this Act into the hands of the governor and company of the Bank of Ireland; and the same shall be placed to an account in the books of the said governor and company, which shall be intituled "The Account of the Public Monies of the Receiver for the Metropolitan Police District," inserting the name of the receiver for the time being; and the said receiver shall draw out of the Bank from time to time such sums of money as may be necessary for the payment of the salaries, wages, and allowances to be paid as herein-after mentioned, to the persons belonging to the police force appointed under this Act, and also for the payment of all other charges and expences in carrying this Act into execution; and the said receiver shall be governed, in respect of his pecuniary transactions, whether of receipt or payment, and in respect of the periods in and for which he shall deliver his accounts, accompanied by the proper vouchers, and as to the manner in which such accounts shall be kept, and prepared and exhibited for audit, by such rules and regulations as shall be issued in that respect from time to time by the said lord high treasurer, or the commissioners of the Treasury, or any three or more of them; and every draft or order for money on the Bank of

The money to  
be placed in  
the Bank of  
Ireland, and  
drawn out by  
the receiver.

Receiver's  
drafts to be  
countersigned.

Ireland, drawn by the receiver, shall be countersigned by one of the justices appointed under this Act; and all drafts and orders so drawn and countersigned, but not otherwise, shall be a sufficient authority to the Bank to pay the amount thereof to the persons named in them, or to the bearers of them.

Receiver shall  
make out ac-  
counts which  
shall be  
audited, &c.

XI. AND be it enacted, that the receiver shall account for the due application of all monies so to be drawn by him out of the Bank of Ireland, and shall once in every six months, and oftener if required by the said lord high treasurer or commissioners of the Treasury, or by the chief secretary of the lord lieutenant, or in his absence by the under secretary, make out and sign a full and particular account of all monies which shall have been received by him under this Act, and how much thereof hath been paid by him, and for what purposes, together with proper vouchers for the receipts and payments; and such accounts shall be delivered for the purpose of being examined and audited, either to the commissioners for auditing the public accounts of this kingdom, or to such other person or persons as the said lord high treasurer or commissioners of the Treasury shall from time to time direct; and the said receiver shall be subject to the same regulations and penalties in that respect as any public accountant.

Receiver to  
pay the salaries  
and wages, &c.  
of the police  
under the di-  
rections of the  
chief or under  
secretary;

as also rewards  
for activity,  
and compensa-  
tion, and super-  
annuation  
allowances, &c.,

and salaries of  
justices, &c.

XII. AND be it enacted, that the receiver, out of the monies so received by him, shall from time to time pay to the persons belonging to the police force appointed under this Act such salaries, wages, and allowances, and at such periods, as the chief secretary of the lord lieutenant, or in his absence, the under secretary, shall direct, and also any extraordinary expences which they shall appear to have necessarily incurred in apprehending offenders and executing the orders of either of the justices appointed under this Act, such expences being first examined and approved of by one of the said justices; and the receiver shall likewise pay any further sums which such chief or under secretary shall direct to be paid to any of the persons belonging to the said police force, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service; and he shall also pay all other salaries, charges, and expences which such chief or under secretary shall direct to be paid for carrying this Act into execution, and all salaries and allowances payable to the divisional justices and other persons under the said recited Act of the forty-eighth year of the reign of his late Majesty, or any Act passed for the amendment thereof, which shall not cease or determine pursuant to the provisions or by the operation of this Act.

Upon the death  
or removal of a  
receiver the  
balance of cash  
at the bank  
shall be trans-  
ferred to his  
successor, &c.

XIII. AND be it enacted, that upon the death, resignation, or removal of any receiver appointed under this Act, the balance of cash for which he shall at that time have credit on his account as receiver with the governor and company of the Bank of Ireland, shall, as soon as a successor shall be appointed to the office of receiver, actually vest in such successor, and shall be immediately transferred to the account of such successor, to be applied for the purposes of this Act; and the receiver for the time being is hereby required to issue his drafts or orders, countersigned as aforesaid, for all unsatisfied charges and demands payable out of the monies in the Bank, although the same shall have accrued in the time of any former receiver.

XIV. AND be it enacted, that if any person, having resigned or having been removed from the office of receiver, shall neglect, within twenty-one days after notice for such purpose, to account for and pay to any succeeding receiver all such sums of money as shall remain in his hands applicable to the purposes of this Act, it shall be lawful for the receiver for the time being, in his own proper name only, or by his name and description of office, to sue for and recover the same from such person, with double costs of suit [Rep., 5 & 6 Vict. c. 97. s. 2.], in any of his Majesty's courts of record at Dublin, by action of debt, in which action it shall be sufficient for such receiver to declare as for money had and received to the use of such receiver for the purposes of this Act; and the defendant in the action may, at the discretion of any judge of such court, be held to special bail in such competent sum as the judge shall order; and the court in which the action shall be brought may, at the instance of either of the parties, refer the account in dispute in a summary manner to be audited by any officer of the court or other fit person, who may examine both plaintiff and defendant upon oath (which oath the said referee shall have power to administer); and upon the report of such referee, unless either of the parties shall show good cause to the contrary, the court may make a rule, either for the payment of such sum as upon the report shall appear to be due, or for staying the proceedings in the action, and upon such terms and conditions as to the court shall appear reasonable; or the court may order judgment to be entered up by confession for such sum as upon the report shall appear to be due.

Upon the removal of the receiver his successor may sue for any balance remaining in his hands.

Special bail.

Court may refer the accounts to an officer or arbitrator.

XV. AND be it enacted, that in case of the death of any person during the time that he shall be holding the office of receiver, or after he shall have resigned or been removed from such office, the receiver for the time being may, in his own proper name only, or by his name and description of office, sue for and recover from the executors or administrators of such person deceased all such sums of money as shall have been remaining in his hands applicable to the purposes of this Act, by an action of debt in any of his Majesty's courts of record at Dublin; in which action it shall be sufficient for the plaintiff to declare that the deceased was indebted to the plaintiff for money had and received to his use for the purposes of this Act, or that the deceased died possessed of money had and received for the purposes of this Act, whereby an action hath accrued to the plaintiff to demand and have the same from such executors or administrators; and the like action may be brought against any executors or administrators of executors or administrators; and in all such actions the defendant or defendants may plead in like manner, and avail themselves of the like matters in defence, as in any action founded upon simple contracts of the original testator or intestate; and the court may refer the account in dispute to be audited by any officer or person, and may proceed upon the report of such referee, in like manner as is hereinbefore mentioned; and in all actions to be brought, as well as in all proceedings whatsoever to be instituted or carried on, by any receiver by virtue of this Act, proof of his acting in the execution of the office of receiver shall be sufficient evidence of his holding such office, unless the contrary shall be shown in evidence by the defendants in such actions, or the parties against whom such proceedings shall be instituted or carried on.

Mode of proceeding against the representatives of a deceased receiver.

Proof of the receiver's official character in proceedings under this Act.

XVI. AND be it enacted, that the receiver for the time being shall make all such contracts and disbursements as shall be necessary for purchasing or

Receiver shall contract for any land or

buildings that  
may be re-  
quired.

Property ac-  
quired under  
this Act to be  
vested in him,  
&c.

Corporations  
and others  
may sell or  
demise land to  
the receiver.

In case of  
disagreement,  
&c. value shall  
be assessed by  
a jury.

renting any land or buildings, or for erecting, fitting up, furnishing, or repairing any buildings for the purposes of this Act, in such manner as the chief secretary of the lord lieutenant, or, in his absence, the under secretary, shall direct, subject nevertheless to such regulations as the said lord high treasurer, or commissioners of the Treasury, or any three or more of them, shall from time to time think fit to establish in respect of all such contracts and disbursements; and of all lands and buildings so to be purchased or rented, and of the fixtures and furniture thereof, and of all goods and chattels whatsoever to be from time to time held or purchased for the purposes of this Act, the property acquired therein shall be vested in the receiver for the time being, in whom also shall be vested the property of all watch-houses, watch-boxes, arms, accoutrements, and other necessities to be given up as herein-after mentioned; and the receiver for the time being may, by the directions of such chief or under secretary, sell, assign, or dispose of the whole or any part of any such property as aforesaid, and shall execute all such lawful matters for carrying this Act into execution as such chief or under secretary shall from time to time direct.

XVII. AND be it enacted, that it shall be lawful for all bodies corporate, and also for all commissioners or trustees for public purposes, and for tenants for life or in tail, and for the husbands, guardians, trustees, committees, or attornies of such of the proprietors or persons interested in any lands or buildings required for the purposes of this Act as shall by reason of any legal disability or of absence beyond the seas be incapable of acting for themselves, to contract and agree with the receiver for the time being, either for the absolute sale of such lands or buildings, or for a lease thereof for such period as the receiver shall require, and to convey, demise, or grant the same to the receiver in trust for the purposes of this Act; and all such contracts, sales, conveyances, leases, and grants shall be valid and effectual in law to all intents and purposes; and in case any body corporate, commissioners, trustees, or other persons hereby authorized to contract on behalf of themselves or others as aforesaid, shall neglect or refuse to agree with, or by reason of disability or absence shall be prevented from agreeing with, the receiver for the sale or lease of any land or buildings required by him, or in case the proprietors or persons interested therein cannot be found or known, or shall not produce and evince a clear title to the land or buildings so to be purchased or rented, or to the interest they shall claim therein, to the satisfaction of the receiver, in every such case all the powers now by law vested in the commissioners for making wide and convenient streets and passages in the city of Dublin, and all provisions made by any Act or Acts relating to such commissioners, and now in force with regard to the valuation of estates and interest by a jury, the conclusive effect of the verdict of the jury, and all matters preparatory to, concomitant with, and consequent or contingent upon the valuation by a jury, shall, so far as the same are or can be applicable, be applied and extended to the valuation of any land or buildings required for the purposes of this Act, in as full and ample a manner, to all intents and purposes, as if those provisions had been repeated and expressly re-enacted in this Act; and all such matters as by those provisions are authorized or required to be done by such commissioners, or any number of them, shall under this Act be done by the receiver for the time being.

\* \* \* \* \*

XIX. AND be it enacted, that no justice of the peace or receiver appointed by virtue of this Act shall, during the continuance of such appointment, be capable of being elected or of sitting as a member of the House of Commons; and no justice, receiver, or person belonging to the police force appointed by virtue of this Act shall, during the time that he shall continue in any such office, or within six calendar months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in Parliament for the counties of Dublin, Wicklow, Kildare, or Meath, or for the county of the city of Dublin, or for any city or borough within the said police district, nor shall by word, message, writing, or in any other manner endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a member to serve in Parliament for any such county, city, or borough; and if any such justice, receiver, or person belonging to the police force shall offend therein, he shall forfeit the sum of one hundred pounds, to be recovered by any person who will sue for the same, by action of debt, to be commenced within six calendar months after the commission of the offence; and one moiety of the sum so recovered shall be paid to the informer, and the other moiety thereof to the receiver appointed under this Act, to be by him added to and applied as part of the funds for the purposes of the police under this Act: Provided always, that nothing in this enactment contained shall subject any such justice, receiver, or person belonging to the police force, to any penalty for any act done by him at or concerning any of the said elections in the discharge of his official duty.

No justice, &c. under this Act to sit in Parliament.

No justice, receiver, policeman, &c. under this Act to vote, &c. at certain parliamentary elections.

Penalty, 100*l*.

\* \* \* \* \*

XXI. AND be it enacted, that the justices appointed under this Act, subject to the approbation of the chief secretary of the lord lieutenant, or his under secretary for the time being, may order such a number of watchboxes as they shall from time to time think fit to be placed or fixed in such parts of the highways, in any of the parishes and places within the metropolitan police district, as the said justices shall deem most convenient.

Power to set up watchboxes.

XXII. AND be it further enacted, that no person so appointed a constable shall be or act as a domestic or menial servant to any person whatsoever; and that any of the said justices, receiver, or any other officer or clerk who shall retain or employ any constable as a domestic or menial servant, shall for every such offence forfeit and pay the sum of one hundred pounds, to be recovered by civil bill in the court of the recorder of the city of Dublin.

No constable to be a menial servant, &c.

XXIII. AND be it further enacted, that no person using or exercising the trade or business of a brewer or distiller, or dealer in wine by retail to licensed public houses, or being a partner of such; no person who shall have a license or licenses to sell malt liquors or spirituous liquors, or who shall in any manner be engaged as a seller thereof; no victualler nor person keeping a public house; shall be capable of holding any office or situation whatsoever under this Act.

No brewer, &c. to hold any police office.

\* \* \* \* \*

XXX. AND be it further enacted, that . . . . . all carriage rates, carriage duties, carriage rents, license duties, fines, fees, and all other monies whatsoever, payable to or receivable by the receiver appointed under the said recited Act of the forty-eighth year of the reign of his late Majesty

Monies payable to receiver under 48 Geo. 3. c. 140. shall be paid to receiver under this Act.

King George the Third, shall, from and after the appointment of a receiver under this Act, be paid to and received by such receiver appointed under this Act, to be by him applied to and for the purposes of this Act.

\* \* \* \* \*

Divisional justices heretofore appointed under 5 Geo. 4. c. 102. shall be hereafter appointed by lord lieutenant, &c.

XXXII. AND be it enacted, that all the divisional justices within the police district of Dublin metropolis who may now be appointed by the assembly of the corporation of the said city, pursuant to the provisions of an Act made in the fifth year of the reign of his late Majesty King George the Fourth, intituled "An Act to amend an Act of the forty-eighth year of the reign of his late Majesty, for the more effectual administration of the office of a justice of the peace, and for more effectual prevention of felonies within the district of Dublin metropolis," shall hereafter be appointed by the lord lieutenant; and it shall not any longer be requisite that any of the said divisional justices shall be an alderman of the city of Dublin or sheriff's peer, or member of the common council of the said city.

Accounts to be laid before Parliament annually.

XXXIII. AND be it enacted, that an account of all monies received and expended for the purposes of this Act, made up to the thirty-first day of December in each year, shall annually be laid before both Houses of Parliament within thirty days thereafter, if Parliament be then sitting, or within thirty days after the first meeting of Parliament subsequent to the thirty-first of December; and such accounts shall specify the total sum received for every tax, rate, rent, duty, or other charge for the purposes of this Act; and such account shall also specify the different heads of expenditure for the purposes of the police, and the amount actually expended under each.

\* \* \* \* \*

Rights, powers, &c. of divisional justices to continue so far as not altered by this Act.

XXXV. AND be it further enacted, that in all cases not altered or otherwise ordained or directed by this Act, all and every the rights, powers, privileges, jurisdictions, and authorities whatsoever, now vested in the said divisional justices under any Act or Acts of Parliament not hereby repealed, and all and every other matter or thing whatsoever which the said divisional justices are by any law now in force required, directed, or empowered to do or execute, save and except in the cases aforesaid, shall and may from and after the passing of this Act be respectively vested in and exercised, done and executed by the said divisional justices; and all and every act, matter, or thing so done or executed, shall thereupon be of the same force, validity, and effect, to all intents and purposes whatsoever, as if this Act had not been passed.

Constables, &c. under this Act invested with same powers as similar officers under 48 Geo. 3. c. 140.

XXXVI. AND be it further enacted, that all chief constables, constables, patrols, watchmen, and collectors appointed under this Act shall, to all intents and purposes, have and exercise the several powers, authorities, and privileges respectively given to or vested in the chief constables, constables, patrols, watchmen, and collectors appointed under the said Act of the forty-eighth year of the reign of his late Majesty King George the Third, by the said Act, or by any other statute or law now in force, except where the contrary is directed by this Act, or where the same would be repugnant to or inconsistent with any provision herein contained.

Justices may summon persons charged with offences

XXXVII. AND for the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act, be it enacted, that where any person shall be charged, on the oath of a credible witness, with any such offence before any justice of the peace, the justice may summon the person

charged to appear before any two justices of the peace, at a time and place to be named in such summons; and if the person charged shall not appear accordingly, then (upon proof of the due service of the summons, by delivering a copy thereof to such person, or by delivering a copy to the wife or servant or some inmate of the family of such person, at his usual place of abode,) the justices before whom he ought to have appeared may either proceed to hear and determine the case *ex parte*, or may issue their warrant for apprehending such person and bringing him before them: Provided always, that the prosecution for any offence punishable upon summary conviction by virtue of this Act shall be commenced within three calendar months after the commission of the offence, and not otherwise.

punishable on summary conviction under this Act, &c.

Limitation of time for such proceedings.

XXXVIII. AND be it enacted, that every sum which by any justices of the peace shall be adjudged to be paid for any offence against this Act, shall be paid to the receiver appointed under this Act, to be by him added to and applied as part of the funds for the purposes of the police under this Act; . . . . . and no justice of the peace shall be disabled from acting in the execution of this Act by reason of his being liable to the payment of any money for the maintenance of the police under this Act.

Application of penalties.

Persons paying police rate may act as justices.

XXXIX. AND be it enacted, that the justices of the peace by whom any person shall be convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such person shall pay the same either immediately or within such period as they shall think fit; and that in default of payment at the time appointed he shall be imprisoned in the common gaol or house of correction and be kept to hard labour for any term not exceeding two calendar months, where the sum to be paid shall not exceed five pounds, and for any term not exceeding four calendar months, where the sum shall not exceed ten pounds, and for any term not exceeding six calendar months in any other case; the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

Scale of imprisonment for nonpayment of penalties.

XL. AND be it enacted, that the justices before whom any person shall be summarily convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case may require; (that is to say,)

Form of conviction.

' to wit. } **B**E it remembered, that on the                      day of                      in the  
'                      year of our Lord                      at                      in the county  
' of                      A.B. is convicted before us [naming the justices], two of his  
' Majesty's justices of the peace for the said county, for that he the said A.B.  
' did [specify the offence, and the time and place when and where the same  
' was committed, as the case may be]; and we the said justices adjudge the  
' said A.B. for his said offence to forfeit and pay the sum of                      [here  
' state the amount of the sum to be paid]; and in default of immediate  
' payment of the said sum to be imprisoned in the                      for the space  
' of                      , unless the said sum shall be sooner paid, [or, and we order that  
' the said sum shall be paid by the said A.B. on or before the                      day  
' of                      , and in default of payment on or before that day, we adjudge  
' the said A.B. to be imprisoned in the                      for the space of                      ,  
' unless the said sum shall be sooner paid]; and we direct that the said sum  
' shall be paid to                      the receiver for the metropolitan police  
' district, to be by him applied according to the Act passed in the sixth year



‘ of the reign of his Majesty King William the Fourth, intituled “ An Act for  
 ‘ “ improving the police in the district of Dublin metropolis.” Given under  
 ‘ our hands the day and year first above mentioned.’

Proceedings  
not to be  
quashed for  
want of form,  
&c.

XLII. AND be it enacted, that no conviction, order, warrant, or other matter, made or purporting to be made by virtue of this Act, shall be quashed for want of form, or be removed by certiorari or otherwise into any of his Majesty’s courts of record at Dublin; and no warrant of commitment shall be held void by reason of any defect therein, provided that it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same; and where any distress shall be made for levying any money by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto; nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, in an action upon the case.

Venue, &c. in  
proceedings  
against persons  
acting under  
this Act.

XLIII. AND, for the protection of persons acting in the execution of this Act, be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

48 Geo. 3.  
c. 140. s. 90.  
repealed in  
part.

XLIII. AND be it enacted, that so much of the said Act of the forty-eighth year of the reign of his late Majesty King George the Third as enacts that the sums presented by the term grand jury of the county of the city of Dublin, for the houses of correction within the said police district of Dublin metropolis, and for necessaries therein, and for salaries to the keepers thereof, shall be paid over by the treasurer of the county of the city of Dublin to the receiver appointed under the said Act, shall be and the same is hereby repealed; and the monies from time to time presented and raised for the aforesaid purposes, or any of them, shall, until Parliament shall otherwise provide, be paid, expended, and accounted for by said treasurer, in like manner and under the like regulations as any other monies presented by said grand jury, and

Monies pre-  
sented for  
houses of cor-  
rection of  
Dublin police  
district shall  
be paid, &c. by

paid, disbursed, and accounted for by such treasurer; and the securities of such treasurer shall be security for the payment, expenditure, and accounting for all such sums.

treasurer as  
other monies  
presented are  
paid, &c.

**XLIV.** AND be it further enacted, that every person appointed under this Act shall, before he shall do any act in his said office, take and subscribe the oath following; that is to say,

Oath to be  
taken by per-  
sons appointed  
under this Act.

‘ I A.B. do swear, that I will well and truly serve our sovereign lord the King in the office of [as the case may be], without favour or affection, malice or ill-will; that I will see and cause his Majesty’s peace to be kept and preserved; and that I will prevent to the best of my power all offences against the same; that, while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law; and that I do not now belong to, and that, while I shall hold the said office, I will not join or belong to, any political society whatsoever or any secret society whatsoever, unless the society of Freemasons.

So help me GOD.’

And the said oath shall be administered to the justices to be appointed under this Act at the same time, and by the same persons, with the other oaths to be by them taken; and the said oath shall be administered to all constables so appointed by one of the said justices, and shall in all cases be subscribed by the person taking the same: Provided always, that in all cases where an oath is required by this Act, the affirmation of a Quaker, Moravian, or separatist shall be accepted in lieu of such oath.

Affirmations in  
lieu of oaths  
under this Act.

\* \* \* \* \*

**XLVII.** AND be it enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

Public Act.

## CHAPTER XXXII.

AN ACT for the Regulation of Benefit Building Societies.]\* [14th July 1836.]

**W**HEREAS certain societies commonly called building societies have been established in different parts of the kingdom principally amongst the industrious classes, for the purpose of raising by small periodical subscriptions a fund to assist the members thereof in obtaining a small freehold or leasehold property, and it is expedient to afford encouragement and protection to such societies and the property obtained therewith: Be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for any number of persons in Great Britain and Ireland to form themselves into and establish societies for the purpose of raising, by the monthly or other subscriptions of the several members of such societies, shares not exceeding the value of one hundred and fifty pounds for each share, such subscriptions not to exceed in the whole twenty shillings per month for each share, a stock or fund for the purpose of enabling each member thereof to receive out of the funds of such society the amount or value of his or her share or shares therein, to erect or purchase one or more dwelling house or dwelling houses, or other real or leasehold estate, to be secured by way of mortgage to such society until the amount or value of his or her shares shall have been fully repaid

Societies may  
be established  
for the pur-  
chase or erec-  
tion of dwelling  
houses.

]\* Rep., 37 & 38 Vict. c. 42. s. 7., with a proviso that the repeal shall not affect any subsisting society certified under this Act, until such society shall have obtained a certificate of incorporation under that Act.]

to such society with the interest thereon, and all fines or other payments incurred in respect thereof; and to and for the several members of each society from time to time to assemble together, and to make, ordain, and constitute such proper and wholesome rules and regulations for the government and guidance of the same as to the major part of the members of such society so assembled together shall seem meet, so as such rules shall not be repugnant to the express provisions of this Act and to the general laws of the realm; and to impose and inflict such reasonable fines, penalties, and forfeitures upon the several members of any such society who shall offend against any such rules, as the members may think fit, to be respectively paid to such uses for the benefit of such society as such society by such rules shall direct, and also from time to time to alter and amend such rules as occasion shall require, or annul or repeal the same, and to make new rules in lieu thereof, under such restrictions as are in this Act contained; provided that no member shall receive or be entitled to receive from the funds of such society any interest or dividend, by way of annual or other periodical profit upon any shares in such society, until the amount or value of his or her share shall have been realized, except on the withdrawal of such member, according to the rules of such society then in force.

Bonus, &c. not to be deemed usurious.

II. AND be it enacted, that it shall and may be lawful to and for any such society to have and receive from any member or members thereof any sum or sums of money, by way of bonus on any share or shares, for the privilege of receiving the same in advance prior to the same being realized, and also any interest for the share or shares so received or any part thereof, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts of Parliament relating to usury.

Rules may provide forms of conveyance, &c.

III. AND be it further enacted, that it shall and may be lawful to and for any such society, in and by the rules thereof, to describe the form or forms of conveyance, mortgage, transfer, agreement, bond, or other instrument, which may be necessary for carrying the purposes of the said society into execution; and which shall be specified and set forth in a schedule to be annexed to the rules of such society, and duly certified and deposited as herein-after provided.

Provisions of Friendly Societies Acts, 10 Geo. 4. c. 56. and 4 & 5 Will. 4. c. 40., extended to this Act.

IV. AND be it further enacted, that all the provisions of a certain Act made and passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate and amend the laws relating to friendly societies," and also the provisions of a certain other Act made and passed in the fourth and fifth years of the reign of his present Majesty King William the Fourth, intituled "An Act to amend an Act of the tenth year of his late Majesty King George the Fourth, to consolidate and amend the laws relating to friendly societies," so far as the same, or any part thereof, may be applicable to the purpose of any benefit building society, and to the framing, certifying, enrolling, and altering the rules thereof, shall extend and apply to such benefit building society and the rules thereof, in such and the same manner as if the provisions of the said Acts had been herein expressly re-enacted.

Receipt endorsed on mortgage to be sufficient discharge without reconveyance.

V. AND be it further enacted, that it shall be lawful for the trustees named in any mortgage made on behalf of such societies, or the survivor or survivors of them, or for the trustees for the time being, to endorse upon any mortgage or further charge given by any member of such society to the trustees thereof for monies advanced by such society to any member thereof, a receipt for all monies intended to be secured by such mortgage or further charge; which shall be sufficient to vacate the same, and vest the estate of and in the property comprised in such security in the person or persons for the time being entitled to the equity of redemption, without it being necessary for the trustees of any such society to give any reconveyance of the property so mortgaged; which receipt shall be specified in a schedule to be annexed to the rules of such society, duly certified and deposited as aforesaid.

Act not to authorize investments in savings banks, &c.

VI. PROVIDED always, and be it further enacted, that nothing herein contained shall authorize any benefit building society to invest its funds, or any part thereof, in any savings bank, or with the commissioners for the reduction of the national debt.

Benefit of Act to extend to all societies established prior to June 1836, on their rules being certified, &c.

VII. AND be it further enacted, that all building societies established prior to the first day of June one thousand eight hundred and thirty-six shall be entitled to the protection and benefits of this Act, on their present rules being duly certified and deposited as directed by the said recited Acts; and no such society shall be entitled to the benefits of this Act until their rules shall have been so certified and deposited; and that no such society shall be required to alter in any manner the rules under which they are now respectively governed.

VIII. AND be it further enacted, that no rules of any such society, or any copy thereof, nor any transfer of any share or shares in any such society, shall be subject or liable to or charged with any stamp duty or duties whatsoever. Exemption from stamp duties.

IX. AND be it further enacted, that this Act shall be deemed a public Act, and shall extend to Great Britain, Ireland, and Berwick-upon-Tweed, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without the same being specially shown or pleaded. Public Act, &c.

### CHAPTER XXXIII.

AN ACT to amend and regulate the Law of Scotland as to Erasures in Instruments of Sasine and of Resignation ad remanentiam. [14th July 1836.]

**W**HEREAS an Act of the Parliament of Scotland passed in the year one thousand six hundred and seventeen, intituled "Anent the registration of reversions, seisins, and other writs," for the purpose of establishing certain public registers, in which the various sorts of writings affecting heritable property therein enumerated or referred were to be made patent to the lieges; and by two other Acts of the Parliament of Scotland passed in the year one thousand six hundred and sixty-nine and one thousand six hundred and eighty-one the provisions in the foresaid Act are extended to instruments of resignation ad remanentiam, and to writs affecting heritable property within royal burghs: And whereas various questions have arisen as to the validity of instruments of sasine and resignation ad remanentiam recorded in such registers, founded on alleged erasures in the said instruments not patent to the lieges nor appearing on the record thereof, whereby a want of confidence in the security of the land rights of Scotland has been produced, which ought to be removed: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no challenge of any instrument of sasine or resignation ad remanentiam shall hereafter receive effect, either by reduction or exception, on the ground that any part of the said instrument is written on an erasure, unless it shall be averred and proved that such erasure had been made for the purpose of fraud, or the record thereof is not conformable to the instrument as presented for registration: . . . . . Provided also, that nothing herein contained shall extend or be construed to extend to instruments of sasine or resignation and sasine propriis manibus; provided also, that where any feudal title of property or title in security has been completed in order to remedy or supply defects arising from erasures in instruments of sasine, the validity of the said titles shall not be affected by any thing herein contained.

Scotch Act,  
1617, c. 16.

Restriction on challenges of instruments of sasine or registration ad remanentiam on account of erasures.

\* \* \* \* \*

## CHAPTER XXXIV.

AN ACT to amend an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland. [14th July 1836.]

\* \* \* \* \*

Clerk of the peace or clerk of the crown to keep an office, to be attended by himself or some competent person three hours a day.

XI. AND be it enacted, that from and after the passing of this Act every person who now holds or shall at any time hereafter hold the office of clerk of the peace or clerk of the crown of any county, or county of a city, or county of a town in Ireland, shall keep, in the place or town in the county, city, or town, of which he shall be such clerk of the crown or clerk of the peace, in which the assizes for such county, town, or city are or shall be holden, an office in which he or some sufficient and competent person appointed by him shall attend; and such office shall be kept open every day, except Sunday, Good Friday, and Christmas Day, from the hour of twelve of the clock until three of the clock in the afternoon; and if any clerk of the peace or clerk of the crown shall omit or neglect to keep such office open, and to attend by himself or some sufficient person in the same during the said period of three hours in each day, or any part thereof, he shall, for every such omission or neglect, forfeit the sum of five pounds to any person who will sue for the same by civil bill before the assistant barrister having jurisdiction to determine causes by civil bill in the place or district in which such office is or ought to be kept, or by action in any of the superior courts; and such clerk of the peace or clerk of the crown shall and may be fined (whether sued for such penalty or not) by any judge of assize in such place such sum, not exceeding ten pounds, as he shall think proper for such omission or neglect.

\* \* \* \* \*

## CHAPTER XXXVI.

AN ACT to amend an Act passed in the present Session of Parliament, for consolidating the Laws relating to the Constabulary Force in Ireland. [28th July 1836.]

WHEREAS an Act has been passed in this present session of Parliament to consolidate the laws relating to the constabulary force in Ireland, and it is expedient to amend the said Act in certain respects: . . . . .

Counties not to be liable for expences of

II. AND be it enacted, that for the purpose of calculating the proportion of the monies advanced out of the produce of the consolidated fund under

[\* So much of this Act as provides that one moiety of the monies advanced out of the consolidated fund for the payment of any of the costs and expences of the constabulary force to be appointed under 6 & 7 Will. 4. c. 13, and this Act, or of any part thereof, shall be defrayed by any county, county of a city, or county of a town, barony, half barony, or place in Ireland, or by presentment of any grand jury in Ireland, or as provides that any part of the costs, charges, or expences of the said constabulary force shall be borne or paid by or raised or levied from any such county, county of a city, county of a town, barony, half barony, or place, rep., 9 & 10 Vict. c. 97. s. 1., save and except as therein-after mentioned.]

the provisions of the said Act, to be raised by grand jury presentment off the several counties, counties of cities, and counties of towns liable to the repayment of the same, as in the said Act mentioned, all such sums as shall be or have been advanced for the purposes herein-after mentioned, or any of them, shall, in addition to the salaries and expences by such Act directed to be excepted out of such advances in calculating such proportion as aforesaid, be deducted from the amount of such advances; (that is to say,) all such sums as shall be or have been advanced for the purchase or repair of arms, ammunition, accoutrements, and other articles of outfit, horses, forage, livery, grazing, saddlery, and all other horse appointments and attendant expences, postage, stationery, and printing, or for the salaries and necessary expences of the four county inspectors to be appointed under the said Act; and a moiety of the residue only of the amount of such advances, after making therefrom such deductions as by the said Act and this Act directed, shall be raised by grand jury presentment off each county, county of a city, or county of a town, as the case may be, to which the same shall be declared by the said lord lieutenant or other chief governor or governors to relate; any thing in the said recited Act contained to the contrary hereof notwithstanding.

horses, arms,  
&c., or of  
county inspec-  
tors.

## CHAPTER XXXVII.

AN ACT to repeal the several Acts now in force relating to Bread to be sold out of the City of London and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the Royal Exchange; and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, beyond the Limits aforesaid. [28th July 1836.]

**W**HEREAS by an Act passed in the third year of the reign of his late Majesty King George the Fourth, intituled "An Act to repeal the Acts now in force relating to bread to be sold in the city of London and the liberties thereof, and within the weekly bills of mortality and ten miles of the Royal Exchange, and to provide other regulations for the making and sale of bread, and preventing the adulteration of meal, flour, and bread, within the limits aforesaid," certain regulations and provisions were made relative to the making and selling of bread, and for preventing the adulteration of meal, flour, and bread, within the aforesaid limits, which have been found beneficial to the public as well as to the bakers within the said limits: And whereas it is deemed expedient that the several Acts of Parliament now in force relating to the making and selling of bread, or to the assize and price thereof, or to the adulteration of meal, flour, or bread, beyond the limits aforesaid, should be altogether repealed; and that in lieu thereof the regulations, provisions, and penalties herein-after contained, and which are similar to those contained in the said recited Act of the third year of the reign of his said late Majesty King George the Fourth, should be substituted: But inasmuch as the purposes aforesaid cannot be effected without the aid and authority of Parliament: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the

3 Geo. 4.  
cap. cvi.

Repeal of all Acts as to making and selling bread, or the punishment for adulterating meal, &c. out of the city of London and beyond the bills of mortality.

authority of the same, that from and after the first day of October one thousand eight hundred and thirty-six all and every Acts or Act of Parliament now in force relating to the making and selling of bread, or to the assize and price thereof, or to the punishment of persons who shall adulterate meal, flour, or bread, or who shall sell bread deficient in its due weight, out of the city of London and the liberties thereof, and beyond the weekly bills of mortality and ten miles of the Royal Exchange, be and the same are hereby repealed; and there shall be no longer any assize of bread beyond the limits aforesaid, or any regulation respecting the price thereof.

Bread made of the articles herein mentioned may be sold.

II. AND be it enacted, that it shall and may be lawful for the several bakers or sellers of bread out of the city of London and the liberties thereof, and beyond the weekly bills of mortality and ten miles of the Royal Exchange, to make and sell or offer for sale, in his, her, or their shop, or to deliver to his, her, or their customer or customers, bread made of flour or meal of wheat, barley, rye, oats, buck wheat, Indian corn, peas, beans, rice, or potatoes, or any of them, and with any common salt, pure water, eggs, milk, barm, leaven, potato or other yeast, and mixed in such proportions as they shall think fit, and with no other ingredient or matter whatsoever, subject to the regulations herein-after contained.

Bakers, &c. may make and sell bread of any weight or size.

III. AND be it enacted, that it shall and may be lawful for the several bakers or sellers of bread beyond the limits aforesaid to make and sell, or offer for sale, in his, her, or their shop, or to deliver to his, her, or their customer or customers, bread made of such weight or size as such bakers or sellers of bread shall think fit; any law or usage to the contrary notwithstanding.

Bread to be sold by weight, and in no other manner.

IV. AND be it enacted, that from and after the commencement of this Act all bread sold beyond the limits aforesaid shall be sold by the several bakers or sellers of bread respectively beyond the said limits by weight; and in case any baker or seller of bread beyond the limits aforesaid shall sell or cause to be sold bread in any other manner than by weight, then and in such case every such baker or seller of bread shall for every such offence forfeit and pay any sum not exceeding forty shillings, which the magistrate or magistrates, justice or justices, before whom such offender or offenders shall be convicted, shall order and direct: Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent or hinder any such baker or seller of bread from selling bread usually sold under the denomination of French or fancy bread or rolls without previously weighing the same.

Penalty.

Proviso for French and fancy bread and rolls.

Bakers to use avoirdupois weight.

V. AND be it enacted, that the several bakers or sellers of bread respectively beyond the said limits in the sale of bread shall use avoirdupois weight of sixteen ounces to the pound, according to the standard in the Exchequer, and the several gradations of the same for any less quantity than a pound; and in case any such baker or seller of bread shall at any time use any other than the avoirdupois weight, and the several gradations of the same, he, she, or they shall for every such offence forfeit and pay any sum not exceeding five pounds nor less than forty shillings, as the magistrate or magistrates, justice or justices, before whom such conviction shall take place, shall from time to time order and adjudge.

Penalty.

Bakers to provide in their shops beams, scales, and

VI. AND be it enacted, that every baker or seller of bread beyond the limits aforesaid shall cause to be fixed in some conspicuous part of his, her, or their shop, on or near the counter, a beam and scales with proper weights, or other

sufficient balance, in order that all bread there sold may from time to time be weighed in the presence of the purchaser or purchasers thereof, except as aforesaid; and in case any such baker or seller of bread shall neglect to fix such beam and scales, or other sufficient balance, in manner aforesaid, or to provide and keep for use proper beam and scales, and proper weights or balance, or shall have or use any incorrect or false beam or scales or balance, or any false weight not being of the weight it purports to be, according to the standard in the Exchequer, then and in every such case he, she, or they shall, for every such false beam and scales and balance, or false weight, forfeit and pay any sum not exceeding five pounds, which the magistrate or magistrates, justice or justices, before whom such offender or offenders shall be convicted, shall order and direct.

weights, &c.,  
and to weigh  
bread, &c.

Penalty.

VII. AND be it enacted, that every baker or seller of bread beyond the limits aforesaid, and every journeyman, servant, or other person employed by such baker or seller of bread, who shall convey or carry out bread for sale in and from any cart or other carriage, shall be provided with and shall constantly carry in such cart or other carriage a correct beam and scales with proper weights, or other sufficient balance, in order that all bread sold by every such baker or seller of bread, or by his or her journeyman, servant, or other person, may from time to time be weighed in the presence of the purchaser or purchasers thereof, except as aforesaid; and in case any such baker or seller of bread, or his or her journeyman, servant, or other person, shall at any time carry out or deliver any bread without being provided with such beam and scales with proper weights, or other sufficient balance, or whose weights shall be deficient in their due weight according to the standard in the Exchequer, or shall at any time refuse to weigh any bread purchased of him, her, or them, or delivered by his, her, or their journeyman, servant, or other person, in the presence of the person or persons purchasing or receiving the same, then and in every such case every such baker or seller of bread shall for every such offence forfeit and pay any sum not exceeding five pounds, which the magistrate or magistrates, justice or justices, before whom such offender or offenders shall be convicted, shall order and direct.

Bakers and  
sellers of  
bread, &c.  
delivering by  
cart, &c. to  
be provided  
with scales,  
weights, &c.  
for weighing  
bread.

Penalty.

VIII. AND be it enacted, that no baker or other person or persons who shall make bread for sale beyond the limits aforesaid, nor any journeyman or other servant of any such baker or other person, shall at any time or times, in the making of bread for sale beyond such limits, use any mixture or ingredient whatsoever in the making of such bread, other than and except as herein-before mentioned, on any account or under any colour or pretence whatsoever, upon pain that every such person, whether master or journeyman, servant or other person, who shall offend in the premises, and shall be convicted of any such offence by the oath, or in case of a Quaker by affirmation, of one or more credible witness or witnesses, or by his, her, or their own confession, shall for every such offence forfeit and pay any sum not exceeding ten pounds nor less than five pounds, or in default thereof shall, by warrant under the hands and seals of the magistrate or magistrates, justice or justices, before whom such offender shall be convicted, be apprehended and committed to the house of correction or some prison of the city, county, borough, or place where the offence shall have been committed, or the offender or offenders shall be apprehended, there to remain for any time not exceeding six calendar months with

Penalty for  
adulterating  
bread.



Names of  
offenders to  
be published.

or without hard labour from the time of such commitment, unless the penalty shall be sooner paid, as any such magistrate or magistrates, justice or justices, shall think fit and order; and it shall be lawful for the magistrate or magistrates, justice or justices, before whom any such offender or offenders shall be convicted, to cause the offender's name, place of abode, and offence to be published in some newspaper which shall be printed or published in or near the city, county, borough, or place where the offence shall have been committed, and to defray the expence of publishing the same out of the money to be forfeited as last mentioned, in case any shall be so forfeited, paid, or recovered.

Penalty for  
adulterating  
corn, meal, or  
flour;

or selling flour  
of one sort of  
corn as the  
flour of another  
sort.

IX. AND be it enacted, that if any person beyond the limits aforesaid shall put into any corn, meal, or flour, which shall be ground, dressed, bolted, or manufactured for sale beyond such limits, either at the time of grinding, dressing, bolting, or manufacturing the same, or at any other time, any ingredient or mixture whatsoever not being the real and genuine produce of the corn or grain which shall be so ground; or if any person shall beyond the limits aforesaid knowingly sell or offer, or expose for sale, either separately or mixed, any meal or flour of one sort of corn or grain as the meal or flour of any other sort of corn or grain, or any ingredient whatsoever mixed with the meal or flour so sold or offered or exposed for sale; then and in every such case every person so offending shall, upon conviction before any one or more magistrate or magistrates, justice or justices, of the city, county, borough, or place where such offence shall have been committed, on the oath, or in case of a Quaker by affirmation, of one or more credible witness or witnesses, or by his, her, or their own confession, forfeit and pay for every such offence any sum not exceeding twenty pounds nor less than five pounds, which such magistrate or magistrates, justice or justices, before whom any such offender or offenders shall be convicted, shall think fit and order.

Bread made of  
mixed meal or  
flour to be  
marked with a  
roman M.

X. AND be it enacted, that every person who shall make for sale, or sell or expose for sale, beyond the limits aforesaid, any bread made wholly or partially of peas or beans, or potatoes, or of any sort of corn or grain other than wheat, shall cause all such bread to be marked with a large roman M.; and if any person shall at any time beyond the limits aforesaid make or sell, or expose for sale, any such bread without such mark as herein-before directed, then and in every such case every person so offending shall, upon conviction in manner herein-after mentioned, forfeit and pay for every pound weight of such bread, and so in proportion for any less quantity which shall be so made for sale, or sold or exposed for sale, without being so marked as aforesaid, any sum not exceeding ten shillings, as the magistrate or magistrates, justice or justices, before whom such conviction shall take place, shall from time to time order and adjudge: Provided always, that nothing in this Act contained shall extend or be construed to extend to require any bread made of the meal or flour of wheat only, and in the making of which potato yeast shall be used, to be marked as herein-before is mentioned.

Penalty.

Proviso as to  
potato yeast.

Justices, &c.  
may search  
premises of  
millers, bakers,  
&c., and if any  
adulterated  
flour, bread,  
&c. be found,

XI. AND be it enacted, that it shall be lawful for any magistrate or magistrates, justice or justices of the peace, within the limits of their respective jurisdictions, and also for any peace officer or officers authorized by warrant under the hand and seal or hands and seals of any such magistrate or magistrates, justice or justices, (and which warrant any such magistrate or

magistrates, justice or justices, is and are hereby empowered to grant,) at seasonable times in the day-time, to enter into any house, mill, shop, stall, bakehouse, bolting house, pastry warehouse, outhouse, or ground of or belonging to any miller, mealman, or baker, or other person who shall grind grain, or dress or bolt meal or flour, or make bread for reward or sale beyond the limits aforesaid, and to search or examine whether any mixture or ingredient not the genuine produce of the grain such meal or flour shall import or ought to be shall have been mixed up with or put into any meal or flour in the possession of such miller, mealman, or baker, either in the grinding of any grain at the mill, or in the dressing, bolting, or manufacturing thereof, whereby the purity of any meal or flour is or shall be in anywise adulterated, or whether any mixture or ingredient other than is allowed by this Act shall have been mixed up with or put into any dough or bread in the possession of any such baker or other person, whereby any such dough or bread is or shall be in anywise adulterated, and also to search for any mixture or ingredient which may be intended to be used in or for any such adulteration or mixture; and if on any such search it shall appear that any such meal, flour, dough, or bread so found shall have been so adulterated by the person in whose possession it shall then be, or any mixture or ingredient shall be found which shall seem to have been deposited there in order to be used in the adulteration of meal, flour, or bread, then and in every such case it shall be lawful for every such magistrate or magistrates, justice or justices of the peace, or officer or officers authorized as aforesaid respectively, within the limits of their respective jurisdictions, to seize and take any meal, flour, dough, or bread which shall be found in any such search, and deemed to have been adulterated, and all ingredients and mixtures which shall be found and deemed to have been used, or intended to be used, in or for any such adulteration as aforesaid; and such part thereof as shall be seized by any peace officer or officers authorized as aforesaid, shall, with all convenient speed after seizure, be carried to the nearest resident magistrate or magistrates, justice or justices of the peace, within the limits of whose jurisdiction the same shall have been so seized; and if any magistrate or magistrates, justice or justices, who shall make any such seizure in pursuance of this Act, or to whom anything so seized under the authority of this Act shall be brought, shall adjudge that any such meal, flour, dough, or bread so seized shall have been adulterated by any mixture or ingredient put therein other than is allowed by this Act, or shall adjudge that any ingredient or mixture so found as aforesaid shall have been deposited or kept where so found for the purpose of adulterating meal, flour, or bread, then and in any such case every such magistrate or magistrates, justice or justices of the peace, is and hereby required, within the limits of their respective jurisdictions, to dispose of the same as he or they, in his or their discretion, shall from time to time think proper.

the same may be seized and disposed of as herein mentioned.

XII. AND be it enacted, that every miller, mealman, or baker beyond the limits aforesaid, in whose house, mill, shop, stall, bakehouse, bolting house, pastry warehouse, outhouse, ground, or possession any ingredient or mixture shall be found which shall, after due examination, be adjudged by any magistrate or magistrates, justice or justices of the peace, to have been deposited there for the purpose of being used in adulterating meal, flour, or bread, shall, on being convicted of any such offence, either by his, her, or their own confession, or

Penalty if ingredients for adulteration of meal or bread are found in any premises.

Names of offenders to be published.

Penalty for obstructing search, &c.

Proceedings in case of offences occasioned by wilful default of journeymen and servants.

by the oath, or in case of a Quaker by affirmation, of one or more credible witness or witnesses, forfeit and pay on every such conviction any sum not exceeding ten pounds nor less than forty shillings for the first offence, five pounds for the second offence, and ten pounds for every subsequent offence, or in default of payment thereof shall, by warrant under the hand and seal or hands and seals of the magistrate or magistrates, justice or justices, before whom such offender shall be convicted, be apprehended and committed to the house of correction or some prison of the city, county, or place where the offence shall have been committed, or the offender or offenders shall be apprehended, there to remain for any time not exceeding six calendar months with or without hard labour from the time of such commitment (unless the penalty be sooner paid), as any such magistrate or magistrates, justice or justices, shall think fit and order; and it shall be lawful for the magistrate or magistrates, justice or justices, before whom any such offender shall be convicted, to cause the offender's name, place of abode, and offence to be published in some newspaper which shall be printed or published in or near the city, county, borough, or place where the offence shall have been committed, and to defray the expence of publishing the same out of the money to be forfeited as last mentioned, in case any shall be so forfeited, paid, or recovered.

XIII. AND be it enacted, that if any person or persons shall wilfully obstruct or hinder any such search as herein-before is authorized to be made, or the seizure of any meal, flour, dough, or bread, or of any ingredient or mixture which shall be found on any such search, and deemed to have been lodged with an intent to adulterate the purity or wholesomeness of any meal, flour, dough, or bread, or shall wilfully oppose or resist any such search being made, or the carrying away any such ingredient or mixture as aforesaid, or any meal, flour, dough, or bread which shall be seized as being adulterated, or as not being made pursuant to this Act, he, she, or they so doing or offending in any of the cases last aforesaid shall for every such offence, on being convicted thereof, forfeit and pay such sum, not exceeding ten pounds, as the magistrate or magistrates, justice or justices, before whom such offender or offenders shall be convicted, shall think fit and order: Provided also, that if any person making or who shall make bread for sale beyond the limits aforesaid shall at any time make complaint to any magistrate or magistrates, justice or justices of the peace, within his or their jurisdiction, and make appear to him or them, by the oath, or in case of a Quaker by affirmation, of any credible witness, that any offence which such person shall have been charged with, and for which he or she shall have incurred and paid any penalty under this Act, shall have been occasioned by or through the wilful act, neglect, or default of any journeyman, or other servant employed by or under such person so making complaint, then and in any such case any such magistrate or magistrates, justice or justices, may and is or are hereby required to issue out his or their warrant, under his or their hand and seal or respective hands and seals, for bringing any such journeyman or servant before any such magistrate or magistrates, justice or justices, or any magistrate or justice of the peace acting in and for the city, county, division, or place where the offender can be found; and on any such journeyman or servant being thereupon apprehended and brought before any such magistrate or magistrates, justice or justices, he or they, within his or their respective jurisdictions, is and are

hereby authorized and required to examine into the matter of such complaint, and on proof thereof upon oath or affirmation, to the satisfaction of any such magistrate or magistrates, justice or justices of the peace, who shall hear such complaint, then any such magistrate or magistrates, justice or justices, is and are hereby directed and authorized, by any order under his or their respective hand or hands, to adjudge and order what reasonable sum of money shall be paid by any such journeyman or servant to his master or mistress as or by way of recompence to him or her for the money he or she shall have paid by reason of the wilful act, neglect, or default of any such journeyman or servant; and if any such journeyman or servant shall neglect or refuse, on his conviction, to make immediate payment of the sum of money which any such magistrate or magistrates, justice or justices, shall order him to pay by reason of such his said wilful neglect or default, then any such magistrate or magistrates, justice or justices, within his or their respective jurisdiction, is or are hereby authorized and required, by warrant under his or their hand and seal or hands and seals, to cause such journeyman or servant to be apprehended and committed to the house of correction, or some other prison of the city, county, division, or place in which such journeyman or servant shall be apprehended or convicted, to be there kept to hard labour for any term not exceeding one calendar month nor less than ten days from the time of such commitment, as to such magistrate or magistrates, justice or justices, shall seem reasonable, unless payment shall be made of the money ordered after such commitment and before the expiration of the said term.

XIV. PROVIDED always, and be it enacted, that no master or mistress, journeyman, or other person exercising or employed in the trade or calling of a baker beyond the limits aforesaid, shall, on the Lord's Day, or on any part thereof, make or bake any bread, rolls, or cakes of any sort or kind, or shall, on any other part of the said day after the hour of half-past one of the clock in the afternoon, sell or expose for sale, or permit or suffer to be sold or exposed for sale, any bread, rolls, or cakes of any sort or kind, or bake or deliver, or permit or suffer to be baked or delivered, any meat, pudding, pie, tart, or victuals, or in any other manner exercise the trade or calling of a baker, or be engaged or employed in the business or occupation thereof, save and except so far as may be necessary in setting and superintending the sponge to prepare the bread or dough for the following days baking; and every person offending against the last-mentioned regulations, or any one or more of them, and being thereof convicted before any justice of the peace of the city; county, or place where the offence shall be committed, within six days from the commission thereof, either upon the view of such justice, or on confession by the party, or proof by one or more witness or witnesses upon oath or affirmation, shall for every such offence pay and undergo the forfeiture, penalty, and punishment herein-after mentioned; (that is to say,) for the first offence the penalty of ten shillings, for the second offence the penalty of twenty shillings, and for the third and every subsequent offence respectively the penalty of forty shillings; and shall moreover, upon every such conviction, bear and pay the costs and expences of the prosecution, such costs and expences to be assessed, settled, and ascertained by the justice convicting, and the amount thereof, together with such part of the penalty as such justice shall think proper, to be allowed to the prosecutor or prosecutors for loss of

Bakers not to  
bake bread or  
rolls on the  
Lord's Day, or  
sell bread or  
bake pies, &c.  
on that day,  
except between  
certain hours.

Penalty for  
first offence;  
second offence;  
subsequent  
offences.

time in instituting and following up the prosecution, at a rate not exceeding three shillings per diem, and to be paid to the prosecutor or prosecutors for his, her, or their own use and benefit, and the residue of such penalty to be paid to such justice, and within seven days after his receipt thereof to be transferred by him to some one of the overseers of the poor, or to some other officer (as the convicting justice or justices may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division, in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and no inhabitant of such county, riding, or division shall be deemed an incompetent witness in any proceeding under this Act by reason of the application of such penalty or forfeiture to the use of the said general rate as aforesaid; and in case the whole amount of the penalty, and of the cost and expences aforesaid, be not forthwith paid after conviction of the offender or offenders, such justice shall and may, by warrant under his hand and seal, direct the same to be raised and levied by distress and sale of the goods and chattels of the offender or offenders, and in default and insufficiency of such distress commit the offender or offenders to the house of correction, with or without hard labour, on a first offence for the space of seven days, on a second offence for the space of fourteen days, and on a third or any subsequent offence for the space of one month, with or without hard labour, unless the whole of the penalty, costs, and expences be sooner paid and discharged: Provided nevertheless, that it shall be lawful for every baker residing beyond the limits aforesaid to deliver to his or her customers on the Lord's Day any bakings until half an hour past one of the clock in the afternoon of that day, without incurring or being liable to any of the penalties in this Act contained: Provided always, that the provisions of this Act, so far as they authorize the baking and preparing bread on Sundays, shall not extend to Scotland.

Bakings may be delivered till half-past one on the Lord's Day.

Saving as to Scotland.

No miller, mealman, or baker to act as a justice of the peace under this Act.

Penalty 100*l*.

Penalty for opposing the execution of this Act.

Recovery and application of penalties and forfeitures.

XV. PROVIDED always, and be it enacted, that no person who shall follow or be concerned in the business of a miller, mealman, or baker, shall be capable of acting or shall be allowed to act as a justice of the peace under this Act, or in putting in execution any of the powers in or by this Act granted; and if any miller, mealman, or baker shall presume so to do, he or they so offending in the premises shall for every such offence forfeit and pay the sum of one hundred pounds to any person or persons who will inform or sue for the same, to be recovered, together with full costs of suit, in any of his Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, wherein no essoin, wager of law, or more than one imparlance shall be allowed.

XVI. AND be it enacted, that in case any person or persons shall resist or make forcible opposition against any person or persons employed in the due execution of this Act, every such person offending therein shall for every such offence forfeit any sum not exceeding ten pounds, at the discretion of the magistrate or magistrates, justice or justices of the peace, before whom he or she shall be convicted of such offence.

XVII. AND be it enacted, that all penalties, forfeitures, and fines by this Act inflicted or authorized to be imposed (the manner of levying and recovering and applying whereof is not herein otherwise directed) shall, upon proof and

conviction of the offences respectively before any magistrate or justice of the peace for the city, county, or place where the offence shall have been committed (as the case may require), either by the confession of the party offending, or by the oath, or in case of a Quaker on affirmation, of any credible witness or witnesses, which oath or affirmation every such magistrate or justice is in every such case hereby fully authorized to administer, be levied, together with the costs attending the information and conviction, by distress and sale of the goods and chattels of the party or parties offending, by warrant under the hand and seal of such magistrate or justice (which warrant such magistrate or justice is hereby empowered and required to grant); and the overplus (if any), after such penalties, forfeitures, and fines, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and in case such fines, penalties, and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such magistrate or justice to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security to the satisfaction of such magistrate or justice for his or their appearance before such magistrate or justice on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than seven days from the time of taking any such security, and which security the said magistrate or justice is hereby empowered to take by way of recognizance or otherwise; but if upon return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such magistrate or justice of the peace as aforesaid, and he is hereby authorized and required, by warrant or warrants under his hand and seal, to cause such offender or offenders to be committed to the common gaol or house of correction of the city, county, or place where the offender shall be or reside, there to remain without bail or mainprize for any time not exceeding one calendar month, with or without hard labour, (save and except as herein otherwise directed,) unless such penalties, forfeitures, and fines, and all reasonable charges attending the same, shall be sooner paid and satisfied; and the monies arising by such penalties, forfeitures, and fines respectively when paid or levied, if not otherwise directed to be applied by this Act, shall be from time to time paid, one moiety thereof to the informer or person suing for and recovering the same, and the other moiety to some one of the overseers of the poor, or to some other officer (as the convicting justice or justices may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and no inhabitant of such county, riding, or division shall be deemed an incompetent witness in any proceeding under this Act by reason of the application of such penalty or forfeiture to the use of the said general rate as aforesaid.

XVIII. AND be it further enacted, that every summons to be served on any offender against any of the provisions of this Act shall be in the form or to the effect following :

Form of summons.

‘ To A.B. of

‘ County of } **W**HEREAS complaint and information hath been made  
 ‘ to wit. } before me C.D., one of his Majesty’s justices of the  
 ‘ peace [or magistrate] for the said county, &c., by E.F. of , that,  
 ‘ &c. [here state the nature and circumstance of the case, as far as it shall be  
 ‘ necessary to show the offence, and to bring it within the authority of the  
 ‘ justice or magistrate, and in doing that follow the words of the Act as near  
 ‘ as may be]: These are therefore to require you personally to appear before  
 ‘ me (or such other justice or magistrate as shall be then and there present)  
 ‘ at in the said county, &c. on the day of  
 ‘ next, at the hour of in the noon, to answer to the said  
 ‘ complaint and information made by the said E.F., who is likewise directed  
 ‘ to be then and there present to make good the same. Herein fail not.  
 ‘ Given under my hand this day of .’

Form of infor-  
 mation.

**XIX.** AND be it further enacted, that every information to be laid before any justice or magistrate for any offence against this Act shall be in the form or to the effect following :

‘ County of } **B**E it remembered, that on the day of  
 ‘ to wit. } A.B. of in the said county informeth me  
 ‘ one of his Majesty’s justices of the peace [or magistrate, as the  
 ‘ case may be,] for the said county, that of in the said  
 ‘ county [here describe the offence, with the time and place, and follow the  
 ‘ words of the Act as near as may be], contrary to the statute made in the  
 ‘ year of the reign of King William the Fourth, intituled “An Act”  
 ‘ [set forth the title of this Act], which hath imposed a forfeiture of  
 ‘ for the said offence. Taken the day of before me, C.D.’

Offences to be  
 laid before  
 acting magis-  
 trates of dis-  
 trict, &c.

**XX.** PROVIDED always, and be it enacted, that all offences committed against this Act shall be laid before the magistrate or magistrates, justice or justices, usually acting in and for the district in which the offence shall have been committed, in a summary way, upon complaint; and the said magistrate or magistrates, justice or justices, is and are hereby empowered to issue his or their summons for the purpose of hearing and determining the same.

Justices may  
 summon and  
 examine wit-  
 nesses, &c.

**XXI.** AND be it enacted, that if it shall be made appear by the oath or affirmation of any credible person or persons, to the satisfaction of any magistrate or magistrates, justice or justices, that any person or persons within the jurisdiction of any such magistrate or magistrates, justice or justices, is or are likely to give or offer material evidence on behalf of the prosecutor of any offender or offenders against the true intent and meaning of this Act, or on behalf of the person or persons accused, and will not voluntarily appear before such magistrate or magistrates, justice or justices, to be examined, and give his, her, or their evidence concerning the premises, every such magistrate or magistrates, justice or justices, is and are hereby authorized and required to issue his or their summons to convene every such person or persons before any such magistrate or magistrates, justice or justices, at such seasonable time as in such summons shall be fixed; and if any person so summoned shall neglect or refuse to appear at the time by such summons appointed, and no just excuse shall be offered for such neglect or refusal, then, after proof upon oath or affirmation of such summons having been duly served upon the party or

parties so summoned, every such magistrate and magistrates, justice and justices, is and are hereby authorized and required to issue his or their warrant under his hand and seal or their hands and seals to bring every such person or persons before any such magistrate or magistrates, justice or justices; and on the appearance of any such person before any such magistrate or magistrates, justice or justices, every such magistrate or magistrates, justice or justices, is and are hereby authorized and empowered to examine upon oath or affirmation every such person; and if any such person, on his or her appearance, or on being brought before any such magistrate or magistrates, justice or justices, shall refuse to be examined upon oath or affirmation concerning the premises, without offering any just excuse for such refusal, any such magistrate or magistrates, justice or justices, within the limits of his or their jurisdiction, may, by warrant under his hand and seal or their hands and seals, commit any person or persons so refusing to be examined to the public prison of the city, county, division, liberty, or place in which the person or persons so refusing to be examined shall be, there to remain for any time not exceeding fourteen days, with or without hard labour, as any such magistrate or magistrates, justice or justices, shall direct.

XXII. AND be it enacted, that if any person, who shall take any oath or make any affirmation by this Act directed to be taken or made, shall wilfully forswear himself or herself, or make any false affirmation, every such person shall be subject and liable to be prosecuted for perjury by indictment or information, according to the due course of law, and, if convicted thereof, shall be subject and liable to the pains and penalties which persons convicted of wilful and corrupt perjury are subject and liable to.

Persons swearing falsely under this Act shall be guilty of perjury.

XXIII. AND be it further enacted, that the magistrate or magistrates, justice or justices, before whom any person shall be convicted in manner prescribed by this Act, shall cause every such conviction to be drawn up in the form or to the effect following; (that is to say,)

Form of conviction.

‘ to wit. } **B**E it remembered, that on this                      day of  
‘            in the                      year of the reign of                      A.B. is  
‘ convicted before                      Majesty’s justice of the peace for the said county  
‘ of                      [or for the division of the said county of                      or for  
‘ the city, liberty, or town of                      as the case shall happen to be],  
‘                      for                      ; and                      do adjudge him [or her, or them, as  
‘ the case may be,] to pay and forfeit for the same the sum of                      .  
‘ Given under                      the day and year aforesaid.’

XXIV. AND be it enacted, that no order, judgment, or conviction made touching or concerning any of the matters in this Act contained, or of any proceedings to be had touching the conviction of any offender or offenders against this Act, shall be quashed for want of form, or be removed or removable by certiorari, or any other writ or process whatsoever, into any of his Majesty’s courts of record at Westminster; and where any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any defect or want of form in the summons, conviction, warrant of distress, or any other proceeding relating thereto; nor shall the party or parties distraining be

Proceedings not to be quashed for want of form, &c.



deemed a trespasser or trespassers ab initio on account of any irregularity which shall be afterwards committed by the party or parties distraining, but the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage (if any) in an action on the case; but no plaintiff or plaintiffs shall recover in any action for such irregularity as aforesaid, if tender of sufficient amends hath been made by or on the behalf of the party distraining before such action brought.

Appeal to  
quarter ses-  
sions.

XXV. PROVIDED always, and be it hereby enacted, that if any person or persons convicted of any offence punishable by this Act shall think him, her, or themselves aggrieved by the judgment of the magistrate or magistrates, justice or justices, before whom he, she, or they shall have been convicted, it shall be lawful for such person or persons from time to time to appeal to the justices at the next general or general quarter sessions of the peace which shall be held for the city, county, division, liberty, town, or place where such judgment shall have been given, and that the execution of such judgment shall in such case be suspended, the person or persons so convicted entering into a recognizance within twenty-four hours of the time of such conviction, with two sufficient sureties, in double the sum which such person or persons shall have been adjudged to pay or forfeit, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the justices at their said next general or general quarter sessions, which recognizance the magistrate or magistrates, justice or justices, before whom such conviction shall be had, is and are hereby empowered and required to take; and the justices in the said general or general quarter sessions are hereby authorized and required to hear and finally determine the matter of every such appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if, upon hearing the said appeal, the judgment of the magistrate or magistrates, justice or justices, before whom the appellant or appellants shall have been convicted, shall be confirmed, such appellant or appellants shall forthwith pay down the sum he, she, or they shall have been adjudged to have forfeited, together with such costs as the said justices in their said general or general quarter sessions shall award to be paid to the prosecutor or informer for defraying the expences sustained by reason of any such appeal; and in default of the appellant's paying the same, any two justices, or any one magistrate or justice of the peace having jurisdiction in the place into which any such appellant or appellants shall escape, or where he, she, or they shall reside, shall and may, by warrant under their hands and seals or his hand and seal, commit any such appellant or appellants to the common gaol of the city, county, division, or place where he, she, or they shall be apprehended, until he, she, or they shall make payment of such penalty, and of the costs and charges which shall be adjudged on the conviction; but if the appellant or appellants in any such appeal shall make good his, her, or their appeal, and be discharged of the said conviction, reasonable costs shall be awarded to the appellant or appellants against such informer or informers who would (in case of such conviction) have been entitled to a moiety of the penalty to have been recovered as aforesaid, and which costs shall and may be recovered by the appellant or appellants against any such informer or informers in like manner as costs given at any general or general

quarter sessions are recoverable: Provided always, that no person shall be detained in prison for any such offence for any greater length of time than three calendar months.

XXVI. PROVIDED also, and be it enacted, that if any such conviction shall happen to be made within six days before any general or general quarter sessions of the peace shall be held for the city, county, division, town corporate, borough, or place where such conviction shall have been made, the party or parties who shall think him, her, or themselves aggrieved by any such conviction, shall and may, on entering into a recognizance in manner and for the purposes before directed, be at liberty to appeal either to the then next or next following general or general quarter sessions of the peace which shall be held for any such county, division, city, town corporate, borough, liberty, or place, where any such conviction shall have been made.

Proviso as to appeal in case of conviction within six days before quarter sessions.

XXVII. AND be it enacted, that in Scotland all penalties incurred under the provisions of this Act or of any of the before-recited Acts shall be recoverable, with expences, either before the sheriff of the county or the magistrates of the burgh or town corporate wherein the same may be incurred or where the offender may reside, or before two or more justices of the peace of such county, at the instance either of the procurator fiscal of court, or any person who may prosecute for the same; and the whole penalties, after deducting all charges and such remuneration to the person prosecuting as the said judges shall think fit, shall be paid to the poor of the place where such penalties shall be awarded; and it is hereby provided, that it shall be competent for the said courts respectively to proceed in a summary way, and to grant warrant for bringing the parties complained of before them, and upon proof on oath by one or more credible witnesses, or on the confession of the offender, or on other legal evidence, forthwith to give judgment on such complaint, without any written pleadings or record of evidence, and to grant warrant for the recovery of such penalties and expences decerned for, failing payment within fourteen days after conviction, by poiding, or by imprisonment for a period, at the discretion of the court, not exceeding sixty days; it being hereby provided that a record should be preserved of the charge and of the judgment pronounced.

Recovery and application of penalties in Scotland.

XXVIII. AND be it enacted, that in Scotland, if any person or persons shall feel themselves aggrieved by the sentence of any sheriff, or magistrates of burghs or towns corporate, or justices of the peace pronounced in any case arising under this Act, it shall be lawful for such person or persons to appeal to the commissioners of justiciary at the next circuit court, or, where there is no circuit court, to the High Court of Justiciary at Edinburgh, in the manner, and under the rules, limitations, and conditions contained in an Act passed in the twentieth year of the reign of his Majesty King George the Second, intituled "An Act for taking away and abolishing heritable jurisdictions in Scotland," with this variation only, that such person or persons so appealing shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or penalties and expences awarded against him or them by the sentence or sentences appealed from, in the event of the appeal or appeals being dismissed, together with any additional expences which shall be awarded by the court in dismissing the said appeal; and it shall not be competent to appeal from or to bring the

Appeal in Scotland to commissioners of justiciary at circuit court, &c.

20 Geo. 2. c. 43.

judgment of any sheriff or justices of the peace acting under this Act under review by advocacy, suspension, or reduction, or in any other way than as herein provided.

Limitation of actions, &c. against magistrates, &c. for things done in execution of this Act.

24 Geo. 2. c. 44.

XXIX. AND be it further enacted, that every action or suit which shall be brought or commenced against any magistrate or magistrates, justice or justices, or any peace officer or officers, for any matter or thing done or committed by virtue of or under this Act, shall be commenced within six calendar months next after the fact committed, and not afterwards, and shall be laid or brought in the city, county, or place where the matter in dispute shall arise, and not elsewhere; and that the statute made in the twenty-fourth year of the reign of King George the Second, intituled "An Act for rendering justices of the peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants," so far as the said Act relates to the rendering the justices more safe in the execution of their office, shall extend and be construed to extend to the magistrate and magistrates, justice and justices of the peace acting under the authority or in pursuance of this Act[\*]; and that no action or suit shall be had or commenced against, nor shall any writ be sued out, or copy of any writ be served upon, any peace officer or officers, for any thing done in the execution of this Act, until seven days after a notice in writing shall have been given to or left for him or them at his or their usual place of abode, by the attorney for the party intending to commence such action, which notice in writing shall contain the name and place of abode of the person intending to bring such action, and also of his attorney, and likewise the cause of action or complaint; and any peace officer or officers shall be at liberty and may by virtue of this Act, at any time within seven days after any such notice shall have been given to or left for him, tender or cause to be tendered any sum or sums of money as amends for the injury complained of to the party complaining or to the attorney named in such notice; and if the same be not accepted, the defendant or defendants in any such action or actions, may plead such tender in bar of such action or actions, together with the general issue or any other plea, with leave of the court in which the action shall be commenced; and if, upon issue joined on such tender, the jury shall find the amends tendered to have been sufficient, they shall find a verdict for the defendant or defendants; and in every such case, or if the plaintiff shall become nonsuit or discontinue his action, or if judgment shall be given for the defendant or defendants upon demurrer, or if any action or suit shall be brought after the time limited by this Act for bringing the same, or shall be brought in any other county or place than as aforesaid, then and in every such case the jury shall find a verdict for the defendant or defendants, and the defendant or defendants shall be entitled to his or their costs; but if the jury shall find that no such tender was made, or that the amends tendered were not sufficient, or shall find against the defendant or defendants on any plea or pleas by him or them pleaded, they shall then give a verdict for the plaintiff, and such damages as they shall think proper; and the plaintiff shall thereupon recover his costs against every such defendant or defendants.

[\* The Act 24 Geo. 2. c. 44. will be found in the Appendix to Vol. IV.]

XXX. AND be it further enacted, that if any action or suit shall be commenced against any other person or persons than a magistrate, justice, or peace officer for any thing done in pursuance of this Act, the defendant or defendants in any such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear so to have been done, or if a verdict shall be recorded for the defendant or defendants, or if the plaintiff or plaintiffs shall be nonsuited or discontinued his, her, or their action after the defendant or defendants shall have appeared, or if judgment shall be given upon a verdict or demurrer against the plaintiff or plaintiffs, the defendant or defendants in every such action shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law for the recovery of his, her, or their costs [Rep., 5 & 6 Vict. c. 97. s. 2.]

In actions against other persons for things done in execution of this Act general issue may be pleaded.

Treble costs.

XXXI. PROVIDED also, and be it further enacted, that no person shall be convicted of any offence under this Act, unless the complaint is made within forty-eight hours after the offence shall have been committed, or within such reasonable time as to the justice or justices shall seem fit, except in cases of perjury; and that no person who shall be prosecuted to conviction for any offence done or committed against this Act shall be liable to be prosecuted for the same offence under any other law.

Limitation of prosecutions.

XXXII. AND be it also enacted, that all penalties and forfeitures by this Act inflicted, and the application of which is not herein-before directed, shall, when recovered or paid, go and be disposed of in manner following; (that is to say,) one moiety thereof, where any offender or offenders shall be convicted, either by his, her, or their confession, or by the oath or affirmation of one or more credible witness or witnesses, shall go and be paid to the person or persons who shall inform against and prosecute to conviction any such offender or offenders; and the other moiety thereof (or, in case there be no such person informing, then the whole thereof) shall go and be paid to some one of the overseers of the poor, or to some other officer, (as the convicting justice or justices may direct,) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and no inhabitant of such county, riding, or division shall be deemed an incompetent witness in any proceeding under this Act by reason of the application of such penalty or forfeiture to the use of the said general rate as aforesaid.

Application of penalties.

XXXIII. PROVIDED always, and be it enacted, that this Act or any thing herein contained shall not extend or be construed to extend in any way to affect, lessen, or infringe upon any right or custom of the universities of Oxford or Cambridge or either of them, or of any lord or lords of any leets, or the rights of any clerk or clerks of the market in any place, which may be exercised and enjoyed by them or any of them by virtue of any charter, bye laws, prescriptions, usages, customs, privileges, grants, or Acts of Parliament, except so far as relates to the assize of bread and the regulations of the price and weight thereof; but that all such rights and privileges shall be held, exercised, and enjoyed by the parties respectively entitled thereto, as fully and amply to all

Saving of certain rights.

intents and purposes as the same were held, exercised, and enjoyed before the passing of this Act, any thing herein contained to the contrary notwithstanding.

Act not to extend to Ireland.

XXXV. AND be it enacted, that nothing in this Act contained shall extend to Ireland.

### CHAPTER XXXVIII.

AN ACT to amend an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled "An Act to amend the Laws relating to Excise Licences, and to the Sale of Wine, Spirits, Beer, and Cider, by Retail, in Ireland." [28th July 1836.]

3 & 4 Will. 4.  
c. 68.

Proper officers of excise, before granting licences to persons licensed in the year preceding, shall require a certificate of good character from the chief constable of the constabulary force in the district, or two overseers, in addition to the certificate required by the recited Act.

Process servers not to be licensed to retail beer, &c.

Retailers' houses shall not be open for the sale of spirits, &c. between nine at night on Sunday and nine in the morning of Monday.

WHEREAS an Act was passed in the third and fourth years of the reign of his present Majesty, intituled "An Act to amend the laws relating to the sale of wine, spirits, beer, and cider by retail in Ireland": And whereas it is expedient to amend the said Act in certain particulars, and to make other regulations in respect of the sale of wine, spirits, beer, and cider by retail in Ireland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the fifth day of July in the year one thousand eight hundred and thirty-six it shall and may be lawful to and for the proper officers of excise, and they are hereby directed, to require from all and every person and persons applying for such licence as in the said Act mentioned, to sell beer, cider, and spirits by retail, to be consumed in any house specified in said licence, being the same house as shall have been licensed in the year last immediately preceding, and whose licence shall not have been withdrawn or annulled, in addition to the certificate of six householders of the parish in the said recited Act mentioned, a certificate to the same purport and effect from the chief constable of the constabulary force acting in and for the district in which such house may be situate, or in lieu thereof a certificate from two of the overseers appointed or to be appointed, as provided in and by the said recited Act or by this Act, for the parish in which such house is situate; and in such certificate the said two overseers shall state the time of their appointment, and that they acted as such overseers at least for one month in the year immediately preceding the date of such certificate; and such certificate shall be signed by the said overseers without fee or reward.

II. AND be it further enacted, that no person appointed to serve civil bill processes shall be capable, while he holds such office, of receiving or holding a licence to sell beer, cider, wine, or spirits by retail.

IV. AND be it further enacted, that from and after the passing of this Act no person selling or licensed to sell beer or cider, spirits or wine by retail, to be drunk or consumed on the premises, shall have or keep his house or other place of sale (not being a booth or tent at any lawful or accustomed fair or at any public races) open for the sale of spirits, wine, or beer, nor shall sell or retail spirits, wine, or beer, nor shall suffer any spirits, wine, or beer to be drunk or consumed in or at such house or other place, at any time between the hours of nine of the clock in the night of Sunday and nine of the clock in the morning of Monday [Rep., Stat. Law Rev. Act, 1874];

V. AND be it further enacted, that no person selling or licensed to sell beer or cider and spirits or wine, by retail, to be drunk or consumed on the premises, or otherwise, shall have or keep any booth or tent or other place, not being a house duly licensed for the sale of spirits, at any lawful or accustomed fair or at any public races, open for the sale of spirits, wine, or beer, nor shall sell or retail spirits, wine, or beer, nor shall suffer any spirits, wine, or beer to be sold, drunk, or consumed in or at such booth or tent or other place, between the hours of six of the clock in the evening and nine of the clock in the morning at any time between the first day of April and the first day of the following month of October, or between the hours of three of the clock in the afternoon and nine of the clock in the morning at any time between the first day of October and the first day of the following month of April, nor at any time whatsoever on any Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving; and if any such person shall keep such booth or tent or other place open for selling or shall sell spirits, wine, or beer, or shall suffer any spirits, wine, or beer to be drunk or consumed in or at such booth or tent or other place, at any hour or time at which the same are hereby respectively prohibited, such person shall forfeit the sum of two pounds for any such offence; and every separate sale shall be deemed a separate offence; and all sales on any one day shall be deemed and considered and may be prosecuted as separate offences; and this prohibition shall be deemed and taken to extend to the sale of spirits, wine, or beer to a traveller as well as to any other person.

Booths and tents at fairs, &c. not to be open for the sale of spirits, wine, or beer at any hour between six in the evening and nine in the morning in summer, and three in the afternoon and nine in the morning in winter, nor at any time on Sunday, &c.

VI. AND be it further enacted, that it shall and may be lawful for any justice of the peace, or for any chief constable, or for any churchwarden or overseer in the said recited Act or herein-after mentioned, or for any constable authorized for the purpose by any such justice, within the limits of his jurisdiction, to enter into any house, booth, tent, or other place kept by any person selling or having a licence to sell spirits, wine, or beer by retail, at any time or hour during which the sale of spirits, wine, or beer is by this Act prohibited therein, and to remove from and put out of such house, booth, tent, or other place any person who shall be found within such prohibited hours in such house, booth, tent, or other place (not being a lodger or inmate thereof), and who shall appear to be or to have recently been drinking, tippling, or gaming therein; and that if any such person shall not, when thereto required by such justice of the peace, chief or other constable, churchwarden or overseer as aforesaid, remove from and quit such house, booth, tent or other place, or shall forcibly resist such justice, constable, churchwarden, or overseer, or shall be found drunk therein, it shall and may be lawful for any constable, churchwarden, or overseer to apprehend and take into custody any such person so offending, and to carry and convey or cause to be carried and conveyed every and any such person so apprehended before any justice of the peace within whose jurisdiction such house, booth, tent, or other place shall be situate, to be dealt with according to law; and every such person who shall so neglect or refuse to remove from or quit such house, booth, tent, or other place, or shall so forcibly resist such justice, constable, churchwarden, or overseer, or be so found drunk in such house, booth, tent, or other place, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding twenty shillings nor less than five shillings; and if any offender so

Justices and constables, &c. may enter into any house, &c. in which spirits, &c. are sold, and remove persons tippling or gaming during prohibited hours.

Persons not quitting, or resisting justices, &c. may be apprehended, &c.

convicted shall not forthwith pay the sum so forfeited, such offender shall be committed to the common gaol or any house of correction or bridewell of the county or place for any time not exceeding one week.

If a soldier  
offends, justice  
to communicate  
the same to his  
commanding  
officer.

VII. AND be it enacted, that if any offender convicted in manner aforesaid shall be a soldier on full pay, and attached to any regiment in his Majesty's service stationed or being within the jurisdiction of such justice, a communication of such conviction shall be forthwith made by the said justice to the commanding officer of such regiment; and the offender so convicted shall be detained until delivered over to the commanding officer or his order, to be amenable to military discipline.

Retailers of  
spirits shall  
not permit  
illegal assem-  
blies in their  
houses, or hang  
out flags or  
emblems there-  
from.

VIII. AND be it further enacted, that no person licensed to sell spirits by retail to be consumed on the premises or otherwise shall knowingly permit any body, union, society, or assembly of persons declared to be illegal or prohibited by any law in force at the time of the passing of this Act, or any body, union, society, or assembly of persons, who shall require from persons about to be admitted or being admitted thereto, or into the said body, union, society, or assembly, any oath, test, solemn declaration or affirmation not expressly allowed and required by law, or who shall observe on the admission of members or on any other proceeding any religious or other solemn mystery, rite, or ceremony, or seeming or pretended religious or other solemn mystery, rite, or ceremony not sanctioned by law, or who shall wear, bear, or display, on occasions of their meeting or assembling together, any arms, flags, colours, symbols, decorations, or emblems whatsoever, to meet or assemble or hold a meeting or assembly on any occasion or pretence whatsoever in the house or other place of sale of such person so licensed, nor shall on any occasion or pretence whatsoever hang out or display, or suffer to be hung out or displayed, on, from, or out of such house or other place of sale, any sign, flag, symbol, colour, decoration, or emblem whatsoever, except the known and usual and accustomed sign of such house or other place of sale usually fixed thereto in the way of business; and if any such person shall knowingly permit any such body, union, society, or assembly to meet or assemble or hold any meeting or assembly on any occasion or pretence whatsoever in the house or place of such person, or shall hang out or display, or suffer to be hung out or displayed, on, from, or out of such house or place of sale, any such sign, flag, symbol, colour, decoration, or emblem whatsoever, except as aforesaid, any such person so offending shall forfeit and pay for every such offence the sum of two pounds, and the licence of such person convicted of such offence shall not be renewed by the proper officer of excise without the certificate of the justices at quarter sessions assembled, and of the assistant barrister attending said quarter sessions, that they consider such person to be, notwithstanding such conviction, a fit person to be licensed, on condition of his not again committing a like offence; and if any such person so convicted and obtaining a renewal of his licence on said certificate shall be again convicted of a like offence, such licence shall immediately on such second conviction become null and void to all intents and purposes whatsoever, and such person shall not be capable at any time thereafter of obtaining such licence: Provided however, that nothing herein contained shall extend to any meeting of persons consisting exclusively of Freemasons or members of the society called the Friendly Brothers.

IX. AND be it further enacted, that it shall and may be lawful for any justice of the peace, or for any chief constable or for any constable authorized for the purpose by any such justice or chief constable, within the limits of his jurisdiction, to enter into any house or place kept by any person selling or having a licence to sell spirits, wine, or beer by retail to be consumed on the premises or otherwise, in which such justice or chief constable shall, from information on oath or otherwise, have reason to believe or suspect that any such body, union, society, or assembly is met or held, or on or from which any such sign, flag, symbol, colour, declaration, or emblem shall be hung out or displayed, and to remove from and put out of such house or place any person who shall be found met or assembled therein with or as members of or belonging to any such body, union, society, or assembly, and to remove and take away and destroy, if he shall think proper, any arms, banners, flags, colours, symbols, emblems or decorations found on or with such persons, or hanging out or displayed on or from such house or other place, and to require every such person so found to state truly to him his name and place of abode, and to require the immediate inspection of and take possession of any book of proceedings or other book used at such meeting or brought thereto, and to detain such book for such time as he may think proper, not exceeding fourteen days; and that if any such person shall not, when thereto required by such justice of the peace, chief or other constable as aforesaid, remove from and quit such house, or if any person whatsoever shall forcibly resist such justice or constable, it shall and may be lawful for any constable to apprehend and take into custody any person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such person so apprehended before any justice of the peace within whose jurisdiction such house or place shall be situate, to be dealt with according to law; and every such person who shall so neglect or refuse to remove from or quit such house, or shall so forcibly resist such justice, constable, churchwarden, or overseer, or who shall refuse to state his name and place of abode, or shall not truly state the same, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding twenty shillings nor less than five shillings; and if any offender so convicted shall not forthwith pay the sum so forfeited, such offender shall be committed to the gaol, bridewell, or house of correction, for any time not exceeding one week.

Justices and constables may enter any house in which spirits, &c. are sold, and put out persons found met or assembled illegally, and remove banners, &c.

Persons not quitting or resisting justices, &c. may be apprehended, &c.

X. AND be it further enacted, that if any person selling or licensed to sell spirits, wine, or beer by retail, or any person aiding or assisting such retailer, shall prevent or endeavour to prevent by threats or violence, or otherwise, any such justice, or chief or other constable, churchwarden, or overseer in that behalf authorized under this Act or the said Act of the third and fourth years of the reign of his present Majesty, from entering any house or place or from making any search therein authorized by this Act, or shall assault or otherwise resist any such justice or chief or other constable, churchwarden, or overseer as aforesaid, every such person so offending shall forfeit and lose a sum not exceeding the sum of ten pounds: Provided always, that nothing herein contained shall exempt any such person so offending or any other person resisting said justice, chief or other constable, churchwarden, or overseer, on any occasion in the exercise of any power given by this Act, from any other punishment or penalty, by information, indictment, or otherwise, to which he or she may be

Penalty on persons selling spirits, &c. who oppose the entering of justices, &c.



liable by law for any such offence, or be construed in any way to affect or repeal any law or laws providing any punishment for such offence.

Penalty on  
delaying to  
admit justices.

XI. AND be it further enacted, that if any person selling or licensed to sell spirits, wine, or beer by retail shall, on demand made of entrance, delay to admit any justice, or chief or other constable, churchwarden, or overseer as aforesaid, into any house or place of such person, for the purpose of making such search as aforesaid, or for any other purpose for which by this Act or any other law in force in Ireland such justice, chief or other constable, churchwarden, or overseer is or may be entitled to admittance into such house or place, such person so offending shall forfeit and lose a sum not exceeding the sum of two pounds, unless proof shall be made, to the satisfaction of two justices who may hear the complaint, that there was reasonable cause for giving such delay.

Penalty if  
persons are  
found tippling  
or gaming at  
prohibited  
hours, and on  
persons found  
drunk.

XII. AND be it further enacted, that every person selling or licensed to sell spirits, wine, or beer by retail, in whose house or place any person shall be found to be or to have been recently drinking, tippling, or gaming at any hour or time at which the sale of spirits or beer is prohibited by this Act, shall, upon conviction thereof, forfeit and pay the sum of ten shillings; and any person found drunk at any hour of the day or night in any street, square, lane, road, way, or other public thoroughfare or place, shall, upon conviction thereof, forfeit and pay any sum not exceeding five shillings, and in default of payment thereof shall and may be committed to the common gaol of the county or place, or to any neighbouring house of correction or bridewell, for any time not less than twelve nor more than forty-eight hours; and every person so found drunk in any street, square, lane, road, way, or other public thoroughfare or place, shall and lawfully may be apprehended by any justice, constable, peace officer, churchwarden, or overseer as aforesaid, and forthwith carried and conveyed before any justice of the peace within whose jurisdiction he shall be so found, to be dealt with according to law.

Number of  
overseers under  
3 & 4 Will. 4.  
c. 68. increased.

XIII. AND be it further enacted, that instead of appointing such number of persons, not exceeding five, to be overseers of persons and houses, as in the said recited Act of the third and fourth years of the reign of his present Majesty is provided, it shall and may be lawful for any parishioners of the several parishes in Ireland in vestry assembled, and they are hereby required, once in every year, or oftener if necessary, to appoint such number of persons, not exceeding twenty nor less than ten, as to them shall seem meet, to be overseers of persons and houses in which spirits or beer shall be sold by retail within every such parish respectively; and every overseer so appointed shall have as full and ample power and authority for carrying the provisions of this Act and the said recited Act into execution, as any constable or other peace officer hath or may have by virtue of this or the said recited Act, or as any overseer appointed under the said recited Act; and every such overseer shall, for the purposes of this Act and of the said recited Act, be and be deemed and taken to be a constable or peace officer; and the said overseers, when so appointed, shall forthwith meet and make such proper arrangements together as to them shall seem necessary for the performance of their duties under this Act and the said recited Act, and for the due inspection and visiting the several houses within their jurisdiction as such overseers; and the said arrangements shall be so made that at least two of the said overseers shall be appointed to and perform the said duty for each month; and every person who shall be appointed such

Overseers to  
be constables.

overseer, who shall neglect or refuse (not being prevented by sickness or other unavoidable accident) to act as such overseer, shall forfeit and pay the sum of one pound.

Penalty on their not acting.

XIV. AND be it further enacted, that if the parishioners of any parish in Ireland shall not appoint such overseers on or before the first day of August in any year, or within one week after the termination of the office of any overseer already appointed or to be appointed under this Act or the said recited Act, it shall and may be lawful to and for any two justices of the county, county of a city, county of a town, or town and liberties, in which such parish shall be situated, assembled at any petty sessions or divisional or other office of police for the district in which such parish shall be situate, to appoint such number of overseers as aforesaid to act as such overseers for one year; and the persons so appointed shall have all the powers of any overseer or overseers appointed under this or the said recited Act, and shall perform the like duties and be liable to the like penalty for non-performance thereof as is herein-before provided in respect of the overseers to be appointed by the parishioners as aforesaid.

Two justices at petty sessions, &c. may appoint overseers if the parishioners do not.

XV. AND be it further enacted, that every information for any penalty incurred under this or the said recited Act shall and may be exhibited within two calendar months next after the offence alleged in said information shall have been committed, any thing in the said recited Act to the contrary thereof notwithstanding.

Informations to be exhibited within two months.

XVI. AND be it enacted, that so much of the said recited Act as provides, that if any person licensed to sell beer, cider, or spirits by retail shall during the continuance of such licence be duly convicted of any three several offences under the provisions of said Act, or any of them, which three offences shall have been committed within the space of two months, it should and might be lawful for two justices of the peace within whose jurisdiction such person should have been licensed to annul the licence of such person, shall be and the same is hereby repealed; and that from and after the passing of this Act, if any person licensed to sell beer, cider, or spirits by retail shall during the continuance of such licence be duly convicted of three several offences under the provisions of said recited Act or of this Act, or of both, which three offences shall have been committed within the space of six months, it shall be lawful for two justices of the peace within whose jurisdiction such person shall be licensed, assembled at any quarter sessions or adjournment thereof, by order made in open court, after notice served six days before on the person so licensed of the intention to apply for such order, to annul the licence held by such person; and if any person whose licence shall be so annulled shall at any time after the making of such order sell any beer, cider, or spirits, without having obtained a new licence, he shall be subject to all the penalties to which any person is or may be subject for selling beer, cider, or spirits without having obtained a licence for that purpose.

Licences may be annulled when licensed persons shall have offended three times in six months.

\* \* \* \* \*

XX. AND be it enacted, that in any proceeding to recover a penalty against any person charged as being licensed to sell beer, cider, or spirits, it shall not be necessary to call for or require the production of the licence; and the notice by said Act directed to be served on the clerk of the peace, or evidence of his having been, at the time at which the offence charged against him was com-

Production of licence not necessary on proceedings.

mitted, acting as the owner of a licensed house, shall be sufficient evidence of the fact of his being licensed, unless he shall prove that he was not duly licensed; and if he shall on the hearing of any such complaint prove that he was not duly licensed at the time at which the sale complained of was made, it shall be lawful for the justices before whom such proof may be made to convict him of having made such sale without being duly licensed.

\* \* \* \* \*

Service of  
notices, &c.

[XXII.\*] AND be it enacted, that in every case in which any proceeding shall be taken to recover any penalty under the said recited Act or under this Act, or under both, or for any other purpose, the delivery or service of a copy of any notice or summons to the person charged with the offence at any place, or to his wife, servant, clerk, manager, or child, such child being of the age of sixteen years or upwards, at or upon the premises used or occupied by any such person for carrying on his or her trade or business, or on the premises on which any such offence shall have been or shall be charged to have been committed, shall be deemed and taken to be a sufficient service and delivery of such summons or notice to the person or persons to whom the same may be directed.

Penalties to be  
recovered, &c.  
as provided by  
3 & 4 Will. 4.  
c. 68.; and  
that Act to be  
in force save as  
altered by this  
Act.

[XXIII.\*] AND be it further enacted, that, except so far as is herein otherwise provided, all penalties and forfeitures imposed by this Act shall be sued for, levied, recovered, mitigated, and distributed by such ways, means, and methods, and in such manner, as by the said recited Act of the third and fourth years of the reign of his present Majesty is directed, provided, and enacted; and that in every respect, save where it is expressly repealed or altered by this Act, the said recited Act, and every clause, matter, and thing therein contained, shall be and remain in full force, and shall apply to the several penalties and forfeitures imposed by this Act, and to the several offences hereby created, as if the same were herein re-enacted.

Form of con-  
viction under  
this Act and  
recited Act.

XXIV. AND be it further enacted, that every conviction to be had under this Act or the said recited Act shall and lawfully may be drawn up in the form following, or in any other form of words to the same effect; (that is to say,)

‘ to wit. } BE it remembered, that on the day of  
‘ in the year of our Lord A.B. is convicted before  
‘ us, two of his Majesty’s justices of the peace of the said county [or city, or  
‘ town, as the case may be,] on the oaths of C.D., &c. [as the case may be], in  
‘ the sum of , for that [here specify the offence and  
‘ when and where committed]. Given under our hands and seals the day and  
‘ year above written.’

\* \* \* \* \*

[\* So much of 3 & 4 Will. 4. c. 68., and of this Act, and of 2 & 3 Vict. c. 79., or any of them, as requires the service upon any person or persons, against whom any information has been or shall be exhibited for any offence or for the recovery of any penalty or forfeiture under the said Acts or any of them, or under any Act or Acts amending the same, of a notice in writing of such information having been so exhibited, rep., 5 & 6 Vict. c. 24. s. 76.]

## CHAPTER XLI.

AN ACT to abolish the Commissary Court of Edinburgh, and to regulate the Mode of taking Proofs in Consistorial Causes in Scotland.

[28th July 1836.]

**W**HEREAS an Act was passed in the first year of the reign of his present Majesty, intituled "An Act for uniting the benefits of jury trial in " civil causes with the ordinary jurisdiction of the Court of Session, and for " making certain other alterations and reductions in the judicial establishments of Scotland," whereby various alterations and reductions were made in the consistorial court of Scotland, with a view to the abolition of the said court, and the transference of the remaining jurisdiction thereof to the sheriff of the county of Edinburgh: And whereas it is expedient that the remaining jurisdiction of the commissary court of Edinburgh should be abolished, and the mode of taking proofs in consistorial causes should be regulated: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said commissary court of Edinburgh shall be and the same is hereby abolished, and the whole remaining powers and jurisdiction of the said court shall be and the same are hereby transferred to the sheriff of the county of Edinburgh, who shall possess and exercise such powers and jurisdiction in all respects, except in so far as regards taking proofs in consistorial causes; and the whole clauses, powers, and provisions of an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled "An Act for the regulation " of the court of the commissaries of Edinburgh, and for altering and regulating the jurisdiction of the inferior commissaries in Scotland," shall apply to the sheriffdom of the county of Edinburgh, and to the clerks and officers of the said commissary court, in the same way as such provisions apply to the other sheriffdoms of Scotland: . . . . .

11 Geo. 4. &  
1 Will. 4. c. 69.

Commissary court abolished, and powers thereof transferred to sheriff of Edinburgh.

4 Geo. 4. c. 97.

\* \* \* \* \*

## CHAPTER XLII.

AN ACT to grant certain Powers to Heirs of Entail in Scotland, and to authorize the Sale of Entailed Lands for the Payment of certain Debts affecting the same.

[28th July 1836.]

**W**HEREAS by an Act of the Parliament of Scotland made in the year one thousand six hundred and eighty-five, intituled "Act concerning " tailzies," it is statuted and declared that it shall be lawful to his Majesty's subjects to tailzie or entail their lands and estates, and to substitute heirs in their tailzies or entails, with such provisions and conditions as they shall think fit, and to affect the said entails with irritant and resolute clauses, whereby it shall not be lawful to the heirs of entail to sell, analzie, or dispose of the said lands or any part thereof, to contract debt, or do any other deed whereby the same might be apprized, adjudged, or evicted from the other substitutes in the entail, or the succession frustrate or interrupted, declaring all such deeds to be in themselves null and void; and provision is made by the said Act for the recording such entails in the manner therein set forth:

Scotch Act of  
1685.

Heirs of entail in possession may grant tacks of any part of entailed estates under the restrictions herein contained.

And whereas it is expedient that certain powers should be conferred upon heirs of entail in relation to granting tacks and making excambions, and to selling portions of entailed estates for payment of the entailer's debts: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that notwithstanding any prohibitory, irritant, and resolute clauses contained in any entails already made and established, or which may hereafter be made and established, pursuant to the directions of the said Act passed in the Parliament of Scotland in the year one thousand six hundred and eighty-five, it shall be lawful for the respective heirs of entail in possession to grant tacks of any parts of the lands, estates, or heritages therein contained, for the fair rent of such lands or heritages at the period of letting, either by public auction or private bargain, and notwithstanding any prohibition against diminution of the rental, for any period not exceeding twenty-one years, and to grant tacks of any mines and minerals contained in such lands and estates for any period not exceeding thirty-one years: Provided always, that nothing herein contained shall authorize any heir of entail in possession of any entailed lands, estates, or heritages, to take any grassum or valuable consideration, other than the tack duty or rent, for granting any tack, or to grant any tack of the home farm, nor of the mansion house and offices, or of the garden, lawn, park, or policy attached thereto, for any period beyond his own life; and in case any such grassum or consideration shall be taken, or in case any tack hereby prohibited shall be granted, such tack shall be null and void.

This Act not to restrain any more extensive powers contained in any entail.

II. PROVIDED also, and be it enacted, that nothing herein contained shall prevent or be construed to prevent any heir of entail in possession from exercising any power of granting tacks, which may be contained in the entail under which he possesses, more extensive than the power of granting tacks hereby conferred.

Heirs in possession may make excambion of entailed estates in the mode herein prescribed.

III. AND be it enacted, that, notwithstanding any prohibitory, irritant, and resolute clauses contained in any entail already made and established, or which may hereafter be made and established, pursuant to the directions of the said Act passed in the Parliament of Scotland in the year one thousand six hundred and eighty-five, it shall be lawful for the respective heirs of entail in possession of any entailed lands, estates, or heritages, having made up a feudal title thereto, to make excambion, without the consent of any other heir, of any portion of the entailed lands, estates, or heritages, for an equivalent in lands, estates, or heritages lying contiguous to the same or to some other part of the said entailed estate, or being convenient to be holden with the same, and whether the same shall belong to himself in fee simple or to any other person, and that although the heritages to be given and taken in exchange may consist of different descriptions of heritable property: Provided always, that notice of the intention to make such excambion shall, three months previous to the application to the Court of Session to that effect, as herein-after required, be given to the five heirs of entail, or to the whole heirs of entail, if their number be less than five, of the said entailed lands, estates, or heritages, next in the order of succession to the heir so applying; and if any of the said five heirs of entail shall be under age, or under any mental or other legal disability, then to the legal guardians, curators, or

administrators of such heirs ; and if three or more of the said five heirs shall be under age, or under any mental or other legal disability, then to their respective guardians, curators, or administrators, and also to the two heirs next in the order of succession after such five heirs, who shall be of lawful age and not under any mental or other legal disability ; and if any of the said heirs, to whom notice is thus directed to be given, shall be forth of the United Kingdom, then to the known agent or factor of such absent heir or heirs ; and for ascertaining and adjusting the value of the lands, estates, or heritages proposed to be exchanged, an application shall be made for that purpose by the heir of entail in possession and feudally vested in such lands, estates or heritages, after such notice as is herein directed to be given, by summary petition, setting forth the objects of the said excambion, and the advantages expected to be derived therefrom, to one or other of the divisions of the Court of Session, praying for such excambion ; and the said court shall, after proof made to them of notice to the heirs of entail as aforesaid, take into consideration the expediency of such excambion, and the other circumstances of or affecting the lands, estates, or heritages proposed to be excambed, and the interests of the succeeding heirs of entail therein, and, after such notice as is herein-after directed to be given, and hearing any party having a title and interest to be heard, if any such shall appear, shall appoint two or more skilful persons to inspect and adjust the value and settle the marches of the said lands, estates, or heritages proposed to be excambed ; and upon receiving the report upon oath of such persons, and being satisfied of the respective values of such lands, estates, or heritages, and of the expediency of such excambion, the said court shall thereupon give judgment authorizing the said excambion ; and thereupon the contract of excambion shall be executed at the sight and with the approbation of the said court, and recorded in the sheriff court books of each of the shires or stewartry in which the lands or heritages to be excambed are situated, and also within three months in the register of tailzies : Provided also, that after hearing any party having a title or interest, and appearing as aforesaid, it shall be competent to the said court to decern the expences to be incurred by such party in such appearance to be borne either by such party or by the heir of entail applying for the excambion, as to the said court shall seem just.

IV. PROVIDED further, and be it enacted, that it shall not be lawful to excamb the principal mansion house or offices, or the garden, park, lawn, home farm, or policy of any entailed estate, nor more than one fourth in value of such entailed lands, estate, or heritages in all ; and declaring that after excambions have been made under the authority of this Act to the extent in all of one fourth part in value of the whole entailed lands, estates, or heritages, it shall not be in the power of any heir of entail to make any further excambions of any part of the said lands, estate, or heritages.

No excambion of mansion houses, &c., nor of more than one fourth in value of entailed estates in all.

V. AND be it enacted, that all contracts of excambion executed and recorded in terms of this Act shall be effectual to all intents and purposes ; and the lands and heritages given or received in excambion shall be held to be a part of the entailed estate or of the entailed estates respectively, and shall be subject to all the prohibitory, irritant, and resolute clauses of the entail or entails, in the same manner as if it or they had been originally a part of such estate or estates respectively ; and the lands and heritages given

Tenure of excambed lands.

Excess of value in any excambion to the amount of 200*l.* to be paid to the proprietors.

In case of any larger consideration passing, the excambion shall be void.

Proviso as to excambion of entailed estates under more than one deed of entail.

Saving as to 10 Geo. 3. c. 51.

Heir of entail may apply to Court of Session that part of entailed estate may be sold for payment of entailer's debts affecting the estate.

Court of Session to inquire into the particulars, and direct what portion of estate shall be sold;

from the entailed estate or estates shall from thenceforth be held as out of the entail or entails under which it was previously held, and be liberated from all the prohibitory, irritant, and resolute clauses thereof: Provided always, that no debt contracted by any heir of entail during the period between the execution of any such contract of excambion and the recording of such contract in the register of tailzies as aforesaid shall affect or be capable of affecting the lands contained in such contract, and thereby added to the entailed estate: And provided further, that if in any such excambion as aforesaid there shall be any excess of value on either side, not exceeding two hundred pounds, such excess shall go and be paid to the proprietor, whether heir of entail in possession or proprietor in fee simple, to whom the lands of smaller value shall be awarded; and that if any party to any such excambion shall give or shall receive any consideration or value of any kind whatever, other than the lands to be exchanged, or such excess as aforesaid not exceeding two hundred pounds, such excambion shall be null and void.

VI. PROVIDED always, and be it further enacted, that where any such heir in possession shall apply as aforesaid for the excambion of any part or parts of any entailed estate or estates under more than one deed of entail, descendible to the same series of heirs, such deeds of entail shall in reference to such application be held and construed to be one deed of entail, and the estates settled by such entail to be one entailed estate: Provided also, that an Act passed in the tenth year of the reign of his Majesty King George the Third, intituled "An Act to encourage the improvement of lands, tenements, and hereditaments in that part of Great Britain called Scotland held under settlements of strict entail," shall remain in full force and effect, excepting in so far as the same is altered or repealed by any of the provisions of this Act.

VII. AND for effecting the sale of portions of entailed estates for payment of the entailer's debts, be it enacted, that from and after the passing of this Act it shall and may be lawful for the heir of entail in the possession of any entailed estate liable to be adjudged or evicted for the debts or obligations of the maker of the entail, and for the tutors or curators or legal guardians of any such heir, if under twenty-one years of age or under any mental or other legal disability, to apply by summary petition to the Court of Session in either of the divisions of the said court, setting forth the entail, and the debts or obligations affecting or which may be made to affect the lands or heritages contained in the said entail as aforesaid, and praying the said court that so much of the said lands or heritages may be sold as will produce a sum adequate to discharge the debts so affecting the said estate.

VIII. AND be it enacted, that it shall and may be lawful for the judges of the said court, sitting in either of the divisions thereof, and they are hereby authorized and required, upon such petition presented to them as aforesaid, to direct due notice, according to the practice of the said court, to be given of such petition to all concerned, to hear all parties that shall appear for their interest, to inquire into and take an account of the debts, obligations, and other burdens due by or binding upon the entailer of such estate, which affect or may be made to affect such estate as aforesaid, and to fix and ascertain the amount of such debts, obligations, and burdens, and interest, if any, due thereupon, by interlocutors or judgments, and thereupon to inquire into and ascertain, by the investigation and evidence or report of such surveyors or

other skilful persons as the said court shall think fit to nominate and appoint for that purpose, what portions of such entailed estate sufficient to produce a price adequate to the payment of all such debts, obligations, and burdens affecting or capable of being made to affect the said entailed estate as aforesaid, may be sold with the least detriment or injury to the remainder of such estate, and to take all necessary proof thereof, and of the value at which such portions of such estate ought either in whole or in lots to be exposed to sale, and thereupon to order and decern that such portions of such estate shall be sold by public roup or auction.

IX. AND be it enacted, that the said judges shall cause notice of the intended sale or auction of such portions of such estates to be inserted in one of the newspapers published in the county or counties in which the lands or heritages to be sold lie, and also in three of the newspapers published in Edinburgh, three times, at least three weeks previous to the day of sale, and shall otherwise advertise and notify such sale as to the said judges shall seem necessary and proper; and the articles and conditions of roup or sale of such portions of such estates shall be adjusted at the sight and with the approbation of the said judges, and the lands or heritages be exposed to sale in such manner as the said judges shall direct; and the said judges may authorize and direct such sales respectively to be adjourned from time to time, and to be again from time to time advertised and notified as herein-before directed.

and cause notice of sale to be given, and adjust the conditions thereof.

X. AND be it enacted, that upon the sale of such portions of such estates as aforesaid the said judges shall adjudge and decern the same, freed from all the burdens, conditions, restrictions, and provisions, clauses irritant and resolute, and other clauses of such entail, to belong to and be the property of the purchaser or respective purchasers thereof, when and as soon as such purchaser or purchasers shall have completed such purchase or purchases by payment or consignment of the purchase money or price or prices, at or for which he, she, or they shall have purchased the same, to or with the treasurer, cashier, or manager or other proper officer of the Bank of Scotland, the Royal Bank of Scotland, Bank of the British Linen Company of Scotland, Commercial Bank of Scotland, or National Bank of Scotland respectively, to whom the said judges shall order such payment or consignment to be made, to be placed to an account to be raised in the books of such bank in the name or names of such person or persons as the said judges shall direct; and which monies shall, when so paid in, produce the highest interest that can be obtained for the same, which interest shall by such person or persons be annually accumulated and added to the principal sum, to carry interest together, until applied, by a warrant or warrants of the said judges in either division of the said court as aforesaid, for the purposes of this Act; and the said judges shall further pronounce such interlocutor or interlocutors, and hold such other proceedings in the said matter, as the judges of the Court of Session are in use to pronounce and hold in judicial sales, or as shall appear to the said judges necessary for fully carrying the purposes of this Act into execution.

Court of Session to adjudge the lands sold to the purchaser, and direct the disposition of the purchase money.

XI. AND be it enacted, that the purchaser or purchasers in pursuance of this Act, and their heirs and assignees, shall, by the interlocutors or decrees of sale to be pronounced by the said judges, and upon full payment of the price or prices for which they shall respectively purchase to such person or

Purchasers upon payment of the money, to have a good right to the lands, freed



from the entail, &c.

Heir of entail, &c. to execute all necessary conveyances.

Lands not sold to continue subject to the entail.

Court of Session to direct purchase money to be applied to payment of debts, &c.

Payment of the costs of parties interested and appearing.

Any surplus exceeding 200*l.* to be laid out in purchase of other land, to be limited to same uses, &c. as lands sold ;

persons or in such way as they shall by the articles and conditions of sale be taken bound to pay the same, have a good and undoubted right to the lands and heritages so to be purchased by them, freed and discharged of all the conditions, provisions, limitations, and restrictions of such entail, and of all the debts, obligations, and burdens by which the said lands and heritages were affected, and from every other incumbrance, defect of title, or ground of eviction whatsoever, in as full and ample a manner, sort, and form as any purchaser of lands at a judicial sale before the Court of Session may, can, or ought to have by the law and practice of Scotland ; and the heir of entail of the estate for the time being, or his or her tutors or curators or other legal guardians as aforesaid, shall and is or are hereby required to execute and deliver, under the authority of the said judges of the Court of Session in either division thereof as aforesaid, all such dispositions and conveyances of such portions of such estates as shall be so sold, containing procuratories of resignation, precepts of sasine, and other usual and necessary clauses, as shall by the said judges be deemed necessary and proper, in favour of such purchaser or purchasers, his, her, or their heirs and assignees, without incurring any irritancy or forfeiture, any thing in such deed of entail to the contrary notwithstanding.

XII. PROVIDED always, and be it enacted, that such parts of such entailed estate as shall not be sold under the authority of this Act in the manner herein directed, shall remain and continue settled and entailed to and upon the same series of heirs, under the same prohibitory, irritant, and resolute clauses, provisions, and conditions, as are contained in such deed of entail, but subject to the powers and provisions herein-before given by this Act.

XIII. AND be it enacted, that after such sale or sales are accomplished, and the purchase money paid or consigned as aforesaid, the said judges of the Court of Session in either division thereof shall issue their warrants or decrees for payment, out of the money so paid or consigned, of the expences of the proceedings attending such petition, inquiry, and sale, and also of the amount of such debts, obligations, or burdens affecting or which might be made to affect such entailed estate as aforesaid, of which such portions have been sold as aforesaid ; and every creditor in such debt, obligation, or burden, shall upon receiving payment be obliged to execute a complete discharge of his or her debt, right, or claim ; and the several discharges shall be registered in the books of council and session.

XIV. PROVIDED always, and be it enacted, that if any party interested in such entailed estate shall have appeared and been heard before the said court, it shall be competent for the said court to decern the expences incurred by such party in such appearance and hearing to be borne, either by such party, or by the heir applying for such sale, either out of the price of the lands to be so sold, or otherwise as to the said court shall seem just.

XV. PROVIDED always, and be it enacted, that if any surplus exceeding two hundred pounds shall remain of the price of the lands and heritages so sold, after defraying such expences, debts, obligations, or burdens directed to be paid as aforesaid, the said judges of the said court in either of the divisions thereof shall and they are hereby empowered and required to direct and order that such surplus shall be laid out and employed in the purchase of other lands or heritages, which shall be limited and settled to the same uses and

purposes, and under the like prohibitory, irritant, and resolute clauses, as, by the deed of entail in relation to which such proceedings have been held, the lands and heritages therein described stand limited and settled.

XVI. AND be it enacted, that when such surplus shall be laid out and employed in the purchase of other lands or heritages to be settled as aforesaid, the disposition, deed, or settlement of entail thereof to or in favour of the heir of entail in possession for the time being, and the other heirs of entail entitled to succeed to the entailed estate to which the lands or heritages so purchased are to be added, shall be framed at the sight and with the approbation of the judges of the said court, and shall be so framed as to bind the heir in possession or person in whose favour the same is executed as well as the succeeding heirs of entail.

and the deed of entail thereof to be framed at the sight of the Court of Session, &c. ;

XVII. AND be it enacted, that after such disposition, conveyance, or entail shall be so made and executed, the same shall be directed by the said judges to be forthwith recorded in due form in the register of tailzies, for the benefit of all the persons interested therein; and infestment shall be taken by virtue of the procuratory of resignation or the precept of sasine therein contained, and shall be registered agreeably to the forms and practice of the law of Scotland, upon all which the said court shall interpose its authority by declaring that the directions by this Act given have been complied with according to the true intent and meaning thereof.

and recorded in register of tailzies, &c.

XVIII. AND be it enacted, that until such surplus as aforesaid shall be applied in the purchase of other lands or heritages as aforesaid, the said judges shall order and direct that the same shall remain in one or other of the aforesaid banks respectively, subject to the direction of the said judges of that division of the said court to which application shall have been originally made, in the name of such person or persons as they shall have appointed, who shall receive the highest interest which can be got for the same; and the interest arising from the money so paid in shall be laid out in the name or names of such persons as aforesaid, and shall annually accumulate and be added to the principal sum, so that they may carry interest together, until a proper purchase in lands or heritages shall be found, to be limited and settled in the manner herein-before directed, and until the same shall be ordered to be paid by the treasurer, cashier, or manager or other proper officer of the Bank of Scotland, the Royal Bank of Scotland, Bank of the British Linen Company of Scotland, Commercial Bank of Scotland, or National Bank of Scotland respectively, for completing the said purchase in such manner as the said court shall think just and direct; and if the money arising by the principal and accumulated interest of such sum or sums shall exceed the amount of the original purchase money, then and in that case only the surplus which shall remain, after discharging the expence of the applications to the court, shall be paid to the person or persons respectively who would have been entitled to receive the rents and profits of the entailed lands or heritages.

Application of surplus monies till invested in land.

XIX. AND be it enacted, that if such surplus as aforesaid shall be under two hundred pounds sterling, the same shall be paid, by order of the said court, to the heir in possession of such entailed estate for the time being.

Surplus, if under 200*l.*, to be paid to heir in possession.

XX. AND be it enacted, that any matter or thing permitted or prohibited to be done by any heir of entail by virtue of this Act is and shall be permitted or prohibited to be done by any trustees or trustee holding lands in

Heirs of entail in this Act shall include trustees, &c.

trust under obligations to entail the same ; and that where the words "heir" or "heirs of entail" are used in any part of this Act, such word or words shall be held and construed to include the institute equally as any substitute heir of entail.

How notices  
to be given of  
applications  
under this Act  
to Court of  
Session, &c.

XXI. PROVIDED always, and be it further enacted, that notice of all applications, either to the Court of Session or any lord ordinary of the said court, or to any sheriff of any county, under the provisions of this Act, by any heir of entail, shall be inserted once at least in the London and Edinburgh gazettes, and in two or more newspapers published in Edinburgh and usually circulated in the part of Scotland in which the entailed lands and estates to which such application relates lie, and also in any one newspaper published (if any so be) in such part of Scotland at least three months previous to the making such application ; . . . . .

### CHAPTER XLIII.

AN ACT to provide for the taking of Judicial Ratifications of Scottish Deeds on Oath as heretofore. [28th July 1836.]

5 & 6 Will. 4.  
c. 62.

WHEREAS an Act was passed in the fifth and sixth year of the reign of his present Majesty, intituled "An Act to repeal an Act of the present session of Parliament, intituled 'An Act for the more effectual abolition of " ' oaths and affirmations taken and made in various departments of the state, " ' and to substitute declarations in lieu thereof, and for the more entire " ' suppression of voluntary and extra-judicial oaths and affidavits,' and to " make other provisions for the abolition of unnecessary oaths": And whereas by the said recited Act it is enacted, that from and after the commencement thereof it should not be lawful for any justice of the peace or other person to administer or cause or allow to be administered, or to receive or cause or allow to be received, any oath, affidavit, or solemn affirmation touching any matter or thing whereof such justice or other person hath not jurisdiction or cognizance by some statute in force at the time being: And whereas by the law and practice of Scotland judicial ratifications by married women upon oath are acts of voluntary jurisdiction which may be proceeded in before any judge: And whereas the said recited Act may be construed to apply to the oaths taken in such ratifications, and it is expedient that such law and practice should not be affected or rendered doubtful: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that nothing in the said recited Act contained shall prevent or be construed to prevent the taking of oaths in judicial ratifications by married women as the same might by the law and practice of Scotland have heretofore been taken, nor shall any thing in the said recited Act contained invalidate or be construed to invalidate any such ratification on oath taken according to such law and practice since the commencement of the said recited Act; and every such ratification taken under a declaration since the passing of the said recited Act shall be of the same force and effect as if such ratification had been taken on oath.

Nothing in  
recited Act to  
prevent the  
taking of oaths  
by married  
women in  
judicial ratifi-  
cations, as  
heretofore.

## CHAPTER LI.

AN ACT for converting the Richmond General Penitentiary into one of the Prisons for the County of the City of Dublin, and to amend the Law relating to Prisons in Ireland. [13th August 1836.]

**W**HEREAS it is necessary to make better provision than now exists for the accommodation and classification of prisoners in the county of the city of Dublin, and to make other provisions respecting the prisons in the said county of the city of Dublin: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland, at any time after the passing of this Act, by warrant under his or their hand and seal, to grant and convey the prison called the Richmond General Penitentiary, and the site thereof, and the courts, yards, out-offices, buildings, and appurtenances belonging thereto, to the commissioners appointed in the last Hilary term by the grand jury of the county of the city of Dublin for causing an additional prison for male felons to be built within the boundary walls of the Richmond Bridewell, their heirs and assigns, in trust for the uses and purposes of this Act, and of an Act made and passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled "An Act for consolidating and amending the laws relating to prisons in Ireland"; and the said Richmond General Penitentiary, and the site thereof, and the courts, yards, out-offices, buildings, and appurtenances thereto belonging, shall thereupon become and be vested in the said commissioners accordingly, and shall be deemed and taken to be, to all intents and purposes, part of the said county of the city of Dublin, and to be one of the prisons of and for the said county of the city of Dublin, and be subject to all the rules, regulations, and provisions contained in the said recited Act, or any other Act or Acts passed or to be passed for the regulation of the prisons within the said city, and the classification and custody of prisoners therein, and the duty of the several officers and attendants belonging thereto, save as the same may be altered by this Act; and the removal of any prisoner who might by law be confined in any prison within the county of the city of Dublin to or from the said Richmond General Penitentiary shall not be deemed an escape of such prisoner, although in such removal he or she may be brought into or through some part of the county of Dublin.

II. AND be it further enacted, that all and every the expence of altering, enlarging, and repairing the said prison, and of paying the salaries and allowances of the gaolers, keepers, local inspectors, matrons, servants, turnkeys and their assistants, medical and other officers to be appointed to the said prison, or to any house of correction within the same, or within the boundary wall thereof, and of the providing food, fuel, furniture, utensils, bedding, clothing, and other necessities for the prisoners therein, shall be raised by presentment of the grand jury of the county of the city of Dublin; and in case such grand jury shall at any time refuse or neglect to make such presentment or provision after having been properly called upon and directed by the court or judges to make the same, then and in every such case the said court or judges are hereby empowered and required to direct that the amount of the sum which ought to have been presented shall be added to the warrant of the Treasury of

Lord lieutenant may transfer the Richmond General Penitentiary to the commissioners appointed by the grand jury of the county of the city of Dublin, &c.

7 Geo. 4. c. 74.

The expences of repairing buildings, salaries of officers, and support of prisoners to be paid by grand jury presentment, &c.

the said county of the city of Dublin, and the same shall be raised, levied, applotted, and assessed in like manner as any presentment duly made upon the said county.

Local inspector, chaplains, and medical officers to be appointed by the grand jury; gaolers matrons, &c. by the lord lieutenant.

III. AND be it further enacted, that the local inspector, chaplains, surgeon, physician, and apothecary of the said prison shall be appointed from time to time by the grand jury of the county of the city of Dublin, as provided by the said recited Act of the seventh year of the reign of King George the Fourth for the prisons now established in the said county of the city of Dublin; and that the keepers, matrons and other attendants, servants and turnkeys, and their assistants, of and for the said prison, shall be appointed by the lord lieutenant or other chief governor or governors of Ireland for the time being, according to such establishment and with such salaries and allowances as shall be certified from time to time by the inspectors general of prisons, under their hands, to the said lord lieutenant or other chief governor or governors, and approved of by him or them as being sufficient and necessary for the care and management of the said prison and the prisoners therein: Provided always, that the sheriffs of the county of the city of Dublin shall not be answerable for the safe custody of any prisoner confined in the said prison or any part thereof, or any building situate within the walls thereof; and provided also, that the keeper or gaoler of the said prison shall not be entitled to any presentment for or in lieu of fees on the acquittal, conviction, or discharge of any prisoner.

Proviso as to liability of sheriffs, and right of gaoler to presentment in lieu of fees.

Lord lieutenant may discontinue the Smithfield Penitentiary as a prison for the county of the city of Dublin.

IV. AND whereas upon the establishment of the said prison under this Act it will be unnecessary to continue the Smithfield Penitentiary as a place of confinement for prisoners for the county of the city of Dublin, and the same may be conveniently employed as a dépôt for prisoners convicted and sentenced to transportation, or for other purposes: Be it therefore further enacted, that when the said prison hereby directed to be vested in the said commissioners shall be made fit for the reception and safe-keeping of such prisoners as may be lawfully confined therein, and the inspectors general of prisons shall certify the same under their hands to the lord lieutenant or other chief governor or governors of Ireland for the time being, and to the grand jury of the county of the city of Dublin, it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland to direct, by warrant under his or their hand, that the said Smithfield Penitentiary shall thenceforth be discontinued to be and shall no longer be used as a bridewell or prison for prisoners of or from the county of the city of Dublin, and to direct the removal of the prisoners then confined therein to such other prison or prisons in the county of the city of Dublin as to him or them may seem fit; and from thenceforth no presentment shall be made by the grand jury of the county of the city of Dublin for or on account of the said Smithfield Penitentiary, or of any other expenditure connected therewith; and the same, and all yards, grounds, outhouses, offices, and buildings connected therewith, shall and may be employed, under the orders of the lord lieutenant or other chief governor or governors of Ireland for the time being, as a dépôt for convicts sentenced to transportation, or for such other purposes as he or they may think fit; and the same shall become and be legally vested in such person or persons as the lord lieutenant or other chief governor or governors of Ireland may direct, in trust for the purposes of this Act.

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VI. AND be it further enacted, that so much of the said recited Act passed in the seventh year of the reign of his Majesty King George the Fourth as excepts the county of the city of Dublin from the operation of that part of the said Act under which the grand jury of every county, county of a city, or county of a town throughout Ireland is authorized and required to appoint a board of superintendence, with certain powers and duties as in the said Act set forth, be and the same are hereby repealed; and that the grand jury of the county of the city of Dublin aforesaid shall and may, at the next presenting term after the passing of this Act, and at every succeeding presenting term, and they are hereby authorized and required to appoint a board of superintendence of every gaol, bridewell, house of correction, or other prison within the said county of the city of Dublin, supported in part or in the whole by grand jury presentment, under the same regulations, possessing the same powers, and to perform the same duties, as are specified and set forth in the said last-recited Act respecting the boards of superintendence appointed in the several counties, counties of cities, and counties of towns respectively throughout Ireland; and that [Rep., Stat. Law Rev. Act, 1874.] all the provisions of the said last-recited Act relating to boards of superintendence shall apply to and have full force and effect in all things relating to such prisons of the said county of the city of Dublin in the same manner as in those of every other county, county of a city, or county of a town throughout Ireland; and in case any of the said offices to which the said grand jury are by this Act authorized to appoint shall become vacant between two presenting terms, then and in every such case it shall be lawful for the said board of superintendence to appoint a new officer to fill such vacancy, who shall hold and exercise such office until a new appointment shall be made thereto by the said grand jury, as fully and effectually as such provisional appointment might have been heretofore made by the sheriff of the said county of the city of Dublin: Provided that nothing in this Act contained shall interfere with the regulations in the said recited Act contained respecting the appointment or salaries of medical officers or chaplains by the grand jury of the county of the city of Dublin aforesaid.

\* \* \* \* \*

Repeal of  
7 Geo. 4. c. 77.  
in part.

Provisions of  
7 Geo. 4. c. 74.  
as to boards of  
superintendence shall  
apply to prisons  
of the county  
of the city of  
Dublin, &c.

## CHAPTER LVI.

AN ACT for regulating the Process of Cessio bonorum in the Court of Session,  
and for extending the Jurisdiction of Sheriffs in Scotland to such Cases.

[13th August 1836.]

**W**HEREAS it is expedient to regulate the process of cessio bonorum in the Court of Session in Scotland, and to extend the jurisdiction of the sheriff to such processes: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the first day of October one thousand eight hundred and thirty-six every sheriff within Scotland shall possess jurisdiction in processes of cessio bonorum brought before him in manner herein-after provided, as fully as in any other action presently by law competent before him; and the sheriff clerk and messengers at arms and all sheriff officers in the several sheriffdoms in Scotland shall have power to act in their respective offices in relation to such processes.

Sheriffs to  
have jurisdic-  
tion as to  
cessio bono-  
rum, and sheriff  
clerks and  
officers to act  
therein.

II. AND be it enacted, that if a debtor has been or shall be charged to pay a civil debt, and a warrant to imprison him has been issued, or if he be liable

A debtor  
against whom  
a warrant for

imprisonment is issued, or who is in prison, &c. may apply for decree of cessio bonorum under this Act.

Debtor may present to the sheriff of the county in which he lives a petition praying for such decree.

to imprisonment under a decree of a small debt court, or be in prison or imprisoned and afterwards liberated in respect in these several cases of a civil debt, it shall be competent to such debtor, on or after the said thirty-first day of October, to apply for interim protection and for decree of cessio bonorum in the manner herein-after provided.

III. AND be it enacted, that after the said first day of October such debtor may present to the sheriff of the county in which he has his ordinary domicile a petition, setting forth that he has been charged, and that a warrant to imprison has been issued against him, or that he is liable to imprisonment under a small debt decree, or that he is in prison, or has been imprisoned and afterwards liberated, in respect of a civil debt, that he is unable to pay his debts, and is ready to surrender his estates for behoof of his creditors, and praying for interim protection against the execution of diligence, and for decree of cessio bonorum; in which petition he shall insert a list of all his creditors, specifying their names and designations and places of residence, so far as known to him; and with such petition he shall produce (as the case may be) the schedule of an expired charge, or a copy certified by the clerk of the small debt court, of the warrant on which he is liable to imprisonment, or if he be in prison, or imprisoned and thereafter liberated, a certificate from the keeper of the prison of such imprisonment and the date thereof, and of the liberation.

Proceedings upon such petition.

IV. AND be it enacted, that on such petition being presented the sheriff shall issue a warrant appointing the debtor to publish a notice in the Edinburgh Gazette, intimating that such petition has been presented, and requiring all his creditors to appear in court on a certain day, being not less than thirty days from the date of the gazette notice, and within five days after the date of such notice to send letters to all the creditors specified in the petition, containing a copy of the said notice (paying the postage thereof), or, in his option, to cite them in terms of law, and which the debtor shall do accordingly; and the sheriff shall farther ordain him to appear on the day so appointed for the compearance of the creditors in presence of the sheriff or his substitute for public examination; and the debtor shall, on or before the sixth lawful day prior to the day so appointed, lodge, to be patent to all concerned, a state of his affairs subscribed by himself, and all his books, papers, and documents relating to his affairs, in the hands of the sheriff clerk, together with a copy of the said gazette, and, if the letters have been sent through the post office, a certificate subscribed by his agent, or by a messenger or sheriff officer and a witness, stating the date and the place where the letters were put into the post office, that the postage was paid, and that they were severally addressed as specified in the petition, or an execution, subscribed by a messenger or sheriff officer and one witness, of citation of the creditors to whom such letters have not been so sent.

Debtor to undergo examination before sheriff.

V. AND be it enacted, that on the said day appointed for the compearance of the creditors the debtor shall appear in public court in presence of the sheriff for examination as to his affairs; and the sheriff shall have power to put him on oath or affirmation (as the case may be), and the debtor shall be bound to answer all pertinent questions put to him by the sheriff, or by any creditor with the approbation of the sheriff, under certification that if, without lawful cause, he refuse to be put on oath or affirmation, or to answer any such

question, or to subscribe his examination, decree of cessio shall be refused in hoc statu ; and it shall be competent to the sheriff to adjourn the examination for such time as to him shall appear fit and reasonable.

VI. AND be it enacted, that the sheriff shall, on such examination being taken, allow a proof to the parties if it shall appear necessary, and hear parties vivâ voce, and shall make a note of any objections that may be stated on the part of the creditors, and either grant decree or refuse the same in hoc statu, or grant it, subject to a declaration that it shall not be extractable or available as a protection to the debtor for such time as shall appear proper, or make such other orders as may be necessary for the due administration of justice ; provided that where the sheriff shall grant decree under such limitation, or refuse decree in hoc statu, he shall state the grounds of his decision, and the most summary despatch consistent with the forms of court shall be given, and the sheriff's note of the objections shall form part of the process.

Sheriff, after examination, shall hear parties, &c., and grant or refuse the decree, &c.

VII. AND be it enacted, that if such decree be pronounced by the sheriff substitute it shall be competent to any person aggrieved to present a reclaiming petition against the same, provided that the petition be lodged within six days from the date of the judgment, and the sheriff substitute shall do therewith as shall be just ; and in case the complainer shall intimate his desire in the petition that if the sheriff substitute be disposed to refuse the petition it may be laid before the sheriff, it shall be transmitted to the sheriff, who shall do therein as shall be just.

Proceedings on reclaiming petition against decree by sheriff substitute.

VIII. AND be it enacted, that it shall be lawful, either after such reclaiming petition has been disposed of or without presenting such petition, for any person aggrieved to bring the judgments under the review of the Court of Session by lodging with any one of the clerks of that division of the court under whose review he wishes to bring the cause a reclaiming note, having such division marked thereon, reciting the judgment or judgments complained of : Provided always, that the said note shall be lodged within ten days from the date of the judgment or the last of the judgments complained of, unless the judgment be pronounced by the sheriff of Orkney, in which case the reclaiming note shall be lodged within twenty days from the date of the judgment or the last of the judgments as aforesaid ; and a copy of the said note shall in all cases be delivered within the said respective periods to the respondent or his known agent, which shall be held to be due service, and a copy thereof, certified by the said clerk of session, shall be a sufficient warrant to the sheriff clerk to transmit to the said clerk the proceedings in the process.

Review of sheriff's judgments by Court of Session on lodging of reclaiming note.

IX. AND be it enacted, that if the Court of Session be sitting the reclaiming note shall be enrolled as soon as conveniently can be, and the court shall pronounce judgment, or remit the cause to the sheriff with such instructions as to them shall seem fit, or to the lord ordinary on the bills during vacation or during the Christmas recess.

Reclaiming note to be enrolled, and court to pronounce judgment, &c.

X. AND be it enacted, that if the Court of Session be not sitting when the reclaiming note has been lodged, the cause shall, as soon as thereafter may be convenient, be transmitted to the bill chamber clerk, and enrolled in a roll to be kept for that purpose in the bill chamber ; and the lord ordinary on the bills shall, on a day to be specified in that roll, hear parties vivâ voce, and pronounce judgment as herein-before provided ; and for the purposes of this

Lord ordinary on bills may pronounce judgment during vacation or Christmas recess, subject to review.



Act he shall possess during the vacation and the Christmas recess the powers competent to the inner house during session, but his judgment shall be subject to review in manner herein-after mentioned ; and if the proceedings have not been brought to a termination before the lord ordinary on the bills at the commencement of the ensuing session, the cause shall be re-transmitted and enrolled before the inner house, which may give judgment therein as if it had been enrolled or had continued without interruption before the inner house.

Proceedings in cases raised before the Court of Session.

XI. AND be it enacted, that where a summons of cessio bonorum is raised before the Court of Session, the debtor shall publish a notice in the Edinburgh Gazette, intimating that the said summons has been raised, specifying in which division of the court it is to be enrolled, and requiring all his creditors to appear within thirty days from the date of the said gazette notice ; and he shall also send letters through the post office (paying the postage thereof) to each of the creditors specified in the summons to the same effect, or, in his option, cite them in terms of law ; and on or before the sixth lawful day prior to the expiration of the said thirty days he shall lodge, to be patent to all concerned, a state of his affairs subscribed by himself, and all his books, papers, and documents relating to his affairs, in the hands of the clerk to the process, together with a copy of the said gazette ; and if the letters have been sent through the post office, he shall produce a certificate subscribed by his agent, or by a messenger or sheriff officer and a witness, stating the date and the place where the letters were put into the post office, that the postage was paid, and that they were severally addressed as specified in the summons, or an execution, subscribed by a messenger and one witness, of citation of the creditors to whom such letters have not been so sent.

Court of Session may remit to the sheriff, who shall take proceedings thereupon, and report.

XII. AND be it enacted, that on expiration of the said thirty days the process shall forthwith be enrolled in the rolls of the division of the inner house specified in the said notice, without the necessity of being called or enrolled in the outer house ; and it shall be competent to the inner house to remit to the sheriff of the county in which the debtor's domicile is, to take his examination in presence of his creditors ; and for that purpose on a day appointed the debtor shall appear in presence of the sheriff, who shall have power to put him on oath or affirmation (as the case may be), and the debtor shall be bound to answer all pertinent questions put to him, under certification that if, without lawful cause, he refuse to be put on oath or affirmation, or to answer any such question, or to subscribe his examination, decree of cessio shall be refused in hoc statu ; and the sheriff shall thereupon report to the said inner house, who may either grant decree or refuse the same in hoc statu, or grant it subject to a declaration that it shall not be extractable or available as a protection to the debtor for such time as shall appear proper, or issue such other orders as may be necessary for the due administration of justice.

Lord ordinary on the bills may pronounce judgment on the report during vacation or Christmas recess.

XIII. AND be it enacted, that if the Court of Session be not sitting at the time when the said report has been made by the sheriff, the cause may be enrolled in a roll to be kept for that purpose in the bill chamber, and the lord ordinary on the bills shall, on a day to be specified in that roll, hear parties vivâ voce and pronounce judgment ; and if the Court of Session be sitting when the report of the said examination is made, but the proceedings cannot

be brought to a termination before the expiration of the session, or before the commencement of the Christmas recess, the inner house may remit the cause to the said lord ordinary to proceed therein during vacation or the Christmas recess, in the same way as if the cause had been enrolled in the bill chamber in manner above provided; and if the proceedings have in any case not been brought to a termination before the lord ordinary on the bills at the commencement of the ensuing session, the cause shall be enrolled before the inner house, which may give judgment therein as if it had been enrolled, or had continued without interruption before the inner house; and for the purposes of this Act the lord ordinary on the bills shall possess, during the vacation and the Christmas recess, the powers competent to the inner house during session; but his judgment shall be subject to review in manner herein-after mentioned.

XIV. AND be it enacted, that it shall be competent for any person aggrieved by any judgment pronounced by the lord ordinary on the bills to bring the same under the review of the inner house by a reclaiming note, provided the note be lodged within ten days after the date of the judgment, and duly intimated to the agent of the respondent; and the inner house shall proceed with all despatch to hear parties *vivâ voce* thereon, and may give judgment as aforesaid, or issue such other orders as may be necessary for the purposes of justice.

Judgment of the lord ordinary on the bills to be subject to review.

XV. AND be it enacted, that if the debtor be in prison, it shall be competent for the inner house during session, and for the lord ordinary on the bills during the vacation or the Christmas recess, whether the case has been originally instituted in the Court of Session or before the sheriff (provided that it be under review of the said court), and for the sheriff, where the petition has been presented to and is depending before him, on production of a copy of the said gazette containing the notice aforesaid, and of the certificate of transmission of the letters or execution of citation, to grant warrant to liberate the debtor, and, if the debtor is not in prison, to grant warrant for his personal protection against the execution of diligence for such space of time as shall be proper; provided that, before any such warrant be issued, the debtor shall lodge with the clerk of court a bond with a sufficient cautioner, binding themselves that he shall attend all diets of court whenever required, under such penalty as may be reasonable, and which, if forfeited, shall be divided among the creditors; and it shall be competent for the inner house, or the said lord ordinary, or the sheriff respectively, in all cases to grant warrant to bring the debtor before them for examination, and also to carry him back to prison; and such warrant, as well as the warrant of liberation and the warrant of personal protection, shall be good and lawful warrants in all parts of Scotland to the effect therein specified; and it shall not be competent, where the warrant of liberation or protection is granted by the lord ordinary on the bills or the sheriff, to suspend the effect thereof by lodging a reclaiming note or petition complaining of the same: Provided nevertheless, that a reclaiming note or petition may be lodged as herein-before provided, and it shall be competent to the inner house or the sheriff (as the case may be), on hearing parties, to recall the warrant of liberation and protection.

Power to grant liberation or interim protection, &c.

Decree to operate as an assignation in favour of creditors; or disposition omnium bonorum to be granted.

XVI. AND be it enacted, that the decree pronounced by the inner house, or by the lord ordinary on the bills, or by the sheriff, granting the benefit of cessio bonorum, shall operate as an assignation of the debtor's moveables in favour of any trustee mentioned in the decree for behoof of the creditors: Provided always, that it shall be optional to the creditors to require the debtor to execute a disposition omnium bonorum, as has been hitherto granted in processes of cessio before the Court of Session, in favour of the trustee, the expence of which deed shall be paid out of the readiest of the funds thereby conveyed.

Provision where decree refused in hoc statu.

XVII. AND be it enacted, that if the decree of cessio be refused in hoc statu either by the Court of Session or the sheriff, the debtor may at any time thereafter, without the necessity of raising any new summons or presenting any new petition, apply to have decree of cessio pronounced in his favour; and if the decree has, on review by the Court of Session, been refused in hoc statu, the debtor may either apply to that court for decree, or present a new petition to the sheriff, in which latter case proceedings shall take place as if no former petition had been presented; and the debtor shall in all cases of a renewed application give notice thereof in such manner as shall be appointed either by the Court of Session or sheriff respectively.

Dyvours habit abolished.

Insolvency to be proved if denied, and oath to be taken.

XVIII. AND be it enacted, that it shall not be lawful to ordain the debtor to wear the dyvours habit; and he shall be required to prove his insolvency (if the same shall be denied) as by law presently established; and he shall be bound to make oath or affirmation, in cases before the sheriff as well as in those before the Court of Session, in the same terms as the oath hitherto administered in processes of cessio in the Court of Session; and an Act of the Parliament of Scotland, passed in the year sixteen hundred and ninety-six, intituled "An Act for declaring notour bankrupts," shall be and is hereby repealed in so far as the said Act bears that "the lords of session are hereby discharged to dispense any "bankrupt as to the habit, unless in the summons and process of cessio the bankrupt's "failing through misfortune be libelled, sustained, and proven" [Rep., Stat. Law Rev. Act, 1874].

Repeal of Act of 1696. c. 5. in part.

Regulation of appeals to the House of Lords.

XIX. AND be it enacted, that nothing herein contained shall exclude an appeal to the House of Lords against the judgment of the said inner house either granting or refusing decree of cessio: Provided always, that the petition of appeal be lodged within ten days from the date of the judgment during the sitting of Parliament, if it shall continue to sit for so many days, and if Parliament be not sitting, or, if sitting, there be not so many days, then the petition of appeal shall be presented within six days after the next session of Parliament shall have met.

No fee fund dues or government duties exigible.

XX. AND be it enacted, that no fee fund dues shall be exigible in respect of any of the proceedings mentioned in this Act, nor shall any stamp duty or other government duty be eligible in respect of any notices or advertisements authorized by this Act to be inserted in the Edinburgh Gazette, nor in respect of any disposition which the debtor shall be ordained to execute in terms of this Act; any law or statute to the contrary notwithstanding.

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## CHAPTER LVIII.

AN ACT for declaring the Law as to the Day on which it is requisite to present for Payment to the Acceptors or Acceptor supra Protest for Honour, or to the Referees or Referee in case of Need, Bills of Exchange which had been dishonoured.

[13th August 1836.]

**W**HEREAS bills of exchange are occasionally accepted supra protest for honour, or have a reference thereon in case of need: And whereas doubts have arisen, when bills have been protested for want of payment, as to the day on which it is requisite that they should be presented for payment to the acceptors or acceptor for honour, or to the referees or referee, and it is expedient that such doubts should be removed: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall not be necessary to present such bills of exchange to such acceptors or acceptor for honour, or to such referees or referee, until the day following the day on which such bills of exchange shall become due; and that if the place of address on such bill of exchange of such acceptors or acceptor for honour, or of such referees or referee, shall be in any city, town, or place, other than in the city, town, or place where such bill shall be therein made payable, then it shall not be necessary to forward such bill of exchange for presentment for payment to such acceptors or acceptor for honour, or referees or referee, until the day following the day on which such bill of exchange shall become due.

Bills of exchange after protest need not be presented to acceptors for honour or referees till the day following the day on which they become due;

II. AND be it further enacted and declared, that if the day following the day on which such bill of exchange shall become due shall happen to be a Sunday, Good Friday, or Christmas Day, or a day appointed by his Majesty's proclamation for solemn fast or of thanksgiving, then it shall not be necessary that such bill of exchange shall be presented for payment, or be forwarded for such presentment for payment, to such acceptors or acceptor for honour, or referees or referee, until the day following such Sunday, Good Friday, Christmas Day, or solemn fast or day of thanksgiving.

or if the following day be a Sunday, &c. then till the day following such Sunday, &c.

## CHAPTER LIX.

AN ACT to extend the Protection of Copyright in Prints and Engravings to Ireland.

[13th August 1836.]

**W**HEREAS an Act was passed in the seventeenth year of the reign of his late Majesty King George the Third, intituled "An Act for more effectually securing the property of prints to inventors and engravers, by enabling them to sue for and recover penalties in certain cases": And whereas it is desirable to extend the provisions of the said Act to Ireland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all the provisions contained in the said recited Act of the seventeenth year of the reign of his late Majesty King George

17 Geo. 3.  
c. 57.

Provisions of recited Act, &c. extended to Ireland.

the Third, and of all the other Acts therein recited, shall be and the same are hereby extended to the United Kingdom of Great Britain and Ireland.

Penalty on engraving or publishing any print without consent of proprietor in any part of the United Kingdom.

II. AND be it further enacted, that from and after the passing of this Act, if any engraver, etcher, printseller, or other person shall, within the time limited by the aforesaid recited Acts, engrave, etch, or publish, or cause to be engraved, etched, or published, any engraving or print of any description whatever, either in whole or in part, which may have been or which shall hereafter be published in any part of Great Britain or Ireland, without the express consent of the proprietor or proprietors thereof first had and obtained in writing, signed by him, her, or them respectively, with his, her, or their own hand or hands, in the presence of and attested by two or more credible witnesses, then every such proprietor shall and may, by and in a separate action upon the case, to be brought against the person so offending in any court of law in Great Britain or Ireland, recover such damages as a jury on the trial of such action or on the execution of a writ of inquiry thereon shall give or assess, together with double costs of suit.

#### CHAPTER LXIV.

AN ACT to explain and amend an Act passed in this present Session of Parliament for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons. [13th August 1836.]

6 & 7 Will. 4.  
c. 20. s. 2.

WHEREAS by an Act passed in this present session of Parliament, intituled "An Act for imposing certain restrictions on the renewal of leases by ecclesiastical persons," it is amongst other things enacted, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian should thereafter grant any renewed lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, such lease should contain such recital or statement as therein mentioned, every such recital or statement should, so far as relates to the validity of the lease so to be granted, be deemed and taken to be conclusive evidence of the truth of the matter so recited or stated: and it is thereby further enacted, that if any lease contrary to the said Act should have been granted since the first day of March in this present year, or should be granted after the passing of the said Act, every such lease should be void to all intents and purposes: And whereas doubts have been entertained whether leases granted since the said first day of March in this year, or to be hereafter granted, by any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian, and which do not contain such recital or statement as aforesaid, are not made absolutely void by the aforesaid enactment; and it is expedient that all such doubts should be removed: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no lease granted or to be hereafter granted by any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian, shall be deemed or taken

sect. 9.

Leases granted by ecclesiastical persons under the provisions

to be void under the provisions of the said Act by reason only of its not containing such recital or statement as therein mentioned: Provided always, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian, shall hereafter grant any renewed lease of any manor, messuage, land, tithes, or hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, and such lease shall contain such recital or statement as in the said Act is mentioned, every such recital or statement shall, so far as relates to the validity of the lease so to be granted, be deemed and taken to be conclusive evidence of the truth of the matter so recited.

of the recited Act not void by reason of not containing such recital as is mentioned.

## CHAPTER LXV.

AN ACT for granting Relief from the Duties of Assessed Taxes, and on Stage Carriages, in certain Cases, and to regulate the charging of the Duty payable for taking or killing Game, in Great Britain; and to provide for the Collection of certain Local Taxes in Scotland.

[13th August 1836.]

\* \* \* \* \*

IX. AND whereas by an Act passed in the first and second years of the reign of his present Majesty, intituled "An Act to amend the laws in England "relative to game," it is enacted that where any person shall be charged on the oath of a credible witness with any offence punishable upon summary conviction by virtue of the said last-mentioned Act before a justice of the peace, the justice may summon the party charged to appear before himself or any one or two justices of the peace, as the case may require, at a time and place to be named in such summons, and if such party shall not appear accordingly, then the justice or justices may proceed in the case in the manner directed by the said Act; and it is expedient to explain and amend the said enactment as herein-after mentioned: Be it therefore enacted and declared, that upon any information made or exhibited before a justice of the peace of any such offence as aforesaid, it shall not be necessary that the charge contained in such information should be made on the oath of the informer or prosecutor in such case; provided that before any proceeding shall be had or taken upon such information, either for summoning the party accused, or compelling his appearance to answer the same, the charge contained in such information shall be deposed to on the oath of some other person or persons being a credible witness or credible witnesses.

1 & 2 Will. 4.  
c. 32. s. 41.

Information on oath not necessary in first instance under recited Act.

X. AND whereas by law the appointment of collectors of land tax in Scotland is now vested in the lords commissioners of his Majesty's Treasury, and by certain statutes it is provided that the collection of certain local and other taxes and assessments and the performance of certain acts should be made and done by collectors of the land tax, and it is expedient in such matters to substitute for the collectors of the land tax the collectors of county, city, and town assessments respectively, or such other person or persons as the commissioners of supply shall appoint in that behalf: Be it therefore enacted, that with respect to all local taxes and assessments, and other matters and duties in Scotland not affecting his Majesty's revenue of land or assessed taxes,

Local taxes in Scotland heretofore collected by

the collector of the land tax to be collected by the collectors of county, &c. assessments.

as to which the collector of the land tax is mentioned, or has matters or things to do or has powers granted to him, such matters or things shall be and are hereby required to be done by and such powers shall be and are hereby granted to the principal collector or collectors, or officer or officers of the nature of principal collector or collectors of county, city, or town assessments respectively, or to such other person or persons as the commissioners of supply shall appoint in that behalf, as fully and effectually to all intents and purposes as if in such statutes respecting local and other matters the words principal collector of county, city, or town assessments respectively, or officer of the nature of such principal collector, or such person or persons as the commissioners of supply shall appoint in that behalf, had been inserted as to such matters, instead of the words collector of the land tax or other words descriptive of the office of collector of the land tax.

Appointment of collectors of county, &c. assessments in Scotland to be vested in the commissioners of supply, &c.

XI. PROVIDED also, and be it declared, that notwithstanding the transfer of the appointment of collectors of the land tax in Scotland to the said lords commissioners of his Majesty's Treasury, the commissioners of supply, or other persons by whom collectors of the land tax were appointed before such transfer, continue to have and shall have full power to appoint collectors and other officers in regard to the county, city, or town assessments formerly collected by collectors of the land tax; and such collectors of county, city, or town assessments, and other officers, shall have, in regard to such assessments, all the powers exercised in regard to such assessments by the collectors of the land tax.

Counties, &c. in Scotland not liable for deficiencies in land, &c. taxes through default of collectors appointed by Treasury.

XII. AND whereas the collectors of the land and assessed taxes in Scotland are now appointed by the lords commissioners of his Majesty's Treasury, and doubts have arisen touching the liability of the several counties and burghs in Scotland charged with the raising, collecting, and paying over of the said taxes to answer for the failure or default of such collectors so appointed; and it is just and reasonable that such counties and burghs should be relieved from such liability as aforesaid, and that all doubts touching the same should be removed: Be it therefore enacted and declared, that no county or burgh in Scotland shall be liable to make good or to be assessed or reassessed for any defalcation or deficiency in the collection of the land tax or assessed taxes, which shall or may be occasioned by the failure or default of any collector or collectors appointed or to be appointed as aforesaid.

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## CHAPTER LXVI.

AN ACT to prevent the advertising of Foreign and other illegal Lotteries.

[13th August 1836.]

WHEREAS the laws in force are insufficient to prevent the advertising of foreign and other illegal lotteries in this kingdom, and it is expedient to make further provision for that purpose: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act if any person shall print or publish, or cause to be printed or published, any

Penalty for advertising

advertisement or other notice of or relating to the drawing or intended drawing of any foreign lottery, or of any lottery or lotteries, not authorized by some Act or Acts of Parliament; or if any person shall print or publish, or cause to be printed or published, any advertisement or other notice of or for the sale of any ticket or tickets, chance or chances, or of any share or shares of any ticket or tickets, chance or chances, of or in any such lottery or lotteries as aforesaid, or any advertisement or notice concerning or in any manner relating to any such lottery or lotteries, or any ticket, chance, or share, tickets, chances, or shares thereof or therein; every person so offending shall for every such offence forfeit the sum of fifty pounds, to be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in Westminster or Dublin respectively, or in the Court of Session in Scotland; . . . . .

foreign or  
illegal lotteries,  
507.

## CHAPTER LXIX.

AN ACT to fix the Standard Qualities of Gold and Silver Plate in Scotland, and to provide for the assaying and marking thereof. [13th August 1836.]

**W**HEREAS it is expedient that all gold and silver plate and wares wrought, sold, or exchanged in Scotland should be respectively of certain standard qualities, and should be assayed and marked in manner herein-after mentioned: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of October one thousand eight hundred and thirty-six no goldsmith, silversmith, or other person in Scotland shall work or make, or cause or procure to be wrought or made, any gold vessel, plate or manufacture or ware of gold whatsoever, less in fineness than eighteen carats of fine gold in every pound weight troy; nor work or make, or cause or procure to be wrought or made, any silver vessel, plate or manufacture or ware whatsoever, less in fineness than eleven ounces and two pennyweights of fine silver in every pound weight troy; nor sell, exchange, or keep or expose for sale, or export or attempt to export out of Scotland, any gold vessel, plate or manufacture or ware of gold whatsoever, wrought or made after the said first day of October one thousand eight hundred and thirty-six, less in fineness than eighteen carats of fine gold in every pound weight troy; nor sell, exchange, or keep or expose for sale, or export or attempt to export out of Scotland, any silver vessel, plate or manufacture or ware of silver whatsoever, wrought or made after the said first day of October one thousand eight hundred and thirty-six, less in fineness than eleven ounces and two pennyweights of fine silver in every pound weight troy; and every goldsmith, silversmith, or other person, who shall, after the said first day of October one thousand eight hundred and thirty-six, work or make, or cause or procure to be wrought or made, or sell, exchange, keep, or expose for sale, or export or attempt to export out of Scotland, any gold or silver vessel, plate or manufacture or ware of gold or silver, less in fineness respectively than is herein-before directed, shall, for each piece of gold or silver plate so sold, exchanged, or kept or exposed for sale, or exported or attempted to be exported as aforesaid, forfeit and pay a sum not exceeding one hundred pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Goldsmiths,  
&c. not to work  
or sell, &c.  
gold or silver  
plate inferior  
to certain stan-  
dard qualities.



Goldsmiths,  
&c. to send  
their names,  
descriptions,  
and marks to  
the goldsmiths  
incorporation  
of Edinburgh  
or the Glas-  
gow goldsmiths  
company.

II. AND be it enacted, that on or before the first day of October one thousand eight hundred and thirty-six every goldsmith, silversmith, or plate-worker, or other person carrying on any of the said trades in Scotland, and also every person who at any time after the said first day of October one thousand eight hundred and thirty-six shall follow the trade of a goldsmith, silversmith, or plate-worker, before he shall exercise the same, shall send or deliver, either to the wardens of the incorporation of goldsmiths of the city of Edinburgh, or to the wardens of the Glasgow goldsmiths company, a written statement of his christian and surnames, and also, if he shall carry on trade in copartnership, of the style or firm of the said copartnership, and of his place of abode and business, and of his mark to be used as is herein-after provided, which said mark shall be the initial letters of his christian and surnames, or, in the case of members of a partnership, the initial letters of the words composing the style or firm under which the business of such partnership shall be carried on, and shall also from time to time, when any alteration of circumstances shall take place in any of the said particulars, send or deliver in as aforesaid a like statement of such alteration within two months after the same shall take place; and such statements respectively shall be entered by the said wardens, without fee or reward, in the respective books or registers of the said incorporation or company; and every such goldsmith, silversmith, or plate-worker, who shall neglect or refuse to send or deliver such statement, or who shall use or strike any other mark on such plate or ware as aforesaid than that which he shall so send or deliver, shall for every such offence forfeit and pay the sum of one hundred pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Goldsmiths,  
&c. to strike  
their mark on  
plate, and send  
it to the assay  
office, to be  
assayed, and, if  
found standard,  
marked with  
certain marks.

III. AND be it further enacted, that every such goldsmith, silversmith, and plate-worker, or person carrying on any of the said trades in Scotland, shall first strike or stamp his mark upon all gold and silver plate or ware (except as is herein-after excepted) which he shall make or work, or cause or procure to be wrought or made, after the said first day of October one thousand eight hundred and thirty-six, and shall then bring or send the same to the assay office of the incorporation or company to which he shall have sent or delivered his name and firm, place of abode and business, and mark as aforesaid, together with a note or memorandum in writing specifying the day of the month and year when such plate is so sent to be assayed, the place of business and the christian and surnames of worker or maker, or the style or firm of the workers or makers of such plate, the several species in each parcel of plate, and the number of pieces of each species, with the total weight of such pieces, and the standard or quality for denoting which the worker or maker shall require such pieces respectively to be marked; and such plate or ware shall be assayed at such assay office in manner herein-after directed; and such gold plate or ware as shall be ascertained to be not less in fineness than twenty-two carats of fine gold in every pound weight troy, and such silver plate or ware as shall be ascertained to be not less in fineness than eleven ounces and two pennyweights of fine silver in every pound weight troy, shall be marked at such assay office as follows; that is to say, with the mark of the thistle, and with a distinct variable letter denoting the year in which such plate shall be marked, and also with the mark or marks used or to be used by the incorporation or company at whose assay office the same shall be assayed; and such gold plate or ware

as shall be ascertained to be not less in fineness than eighteen carats of fine gold in every pound weight troy, shall be marked with the figures 18, in addition to the said several marks herein-before required; and such silver plate or ware as shall be ascertained to be not less in fineness than eleven ounces and ten pennyweights of fine silver in every pound weight troy, shall be marked with the figure of Britannia, in addition to the several other marks herein-before required.

IV. AND be it further enacted, that it shall and may be lawful to and for the assayer of such assay office, or such other person or persons as shall be appointed for that purpose by the incorporation or company to which such assay office shall belong, and he and they are hereby authorized and empowered, to demand, levy, and receive from such person and persons as shall bring to such assay office any gold or silver plate or ware to be assayed and marked, for the assaying and marking thereof, such sums of money as shall be found necessary for defraying the expences of such assay office; and such sums shall or may be levied in respect of such plate or ware, either in proportion to the weight thereof, or by the piece upon any single piece of such plate or ware which shall not exceed, if of gold the weight of one ounce, or if of silver the weight of three ounces; provided always, that such sums, where the same shall be levied by weight, shall not exceed the rate of one shilling for every ounce of gold, and one penny for every ounce of silver, and so in proportion for any greater or less quantity; and that such sums, where the same shall be levied by the piece, shall not exceed one shilling for each piece of gold plate or ware, or threepence for each piece of silver plate or ware; and such incorporation and company respectively shall from time to time fix and appoint such sums so to be levied upon each ounce weight or upon each piece, according to the nature and description thereof, and hang up and maintain in their assay office a table of the rates for the time exigible by the assayer for the assaying and marking of plate and ware, which rates so fixed from time to time shall, with the exceptions herein-after mentioned, be charged and levied equally in respect of all plate and ware of the same species and weight or description which shall be assayed and marked at such assay office; and no reduction or advance which may be made, as herein-after provided, in the said rates, shall, either directly or indirectly, be made partially or in favour of or against any particular person or class of persons, but every such reduction or advance shall extend to all plate and ware of the same species and weight or description, and to all persons sending the same to be assayed and marked as aforesaid: Provided always, that such assayer or other person aforesaid shall deduct from the amount of the rates or sums demanded in respect of any parcel of plate or ware which shall be sent to such assay office from any distance greater than thirty miles therefrom, a sum not greater than one third of the amount of such rates or sums for or in respect of the expence of the carriage of such parcel to and from such assay office.

Assayers may  
levy rates upon  
plate sent to be  
assayed.

V. AND be it enacted, that all gold and silver plate and ware which shall be brought to either of the said assay offices, shall be weighed and examined by the assayer; and if it shall appear that the same is not all of one quality of gold or silver, or if it be not marked with the worker's mark, or if it be charged with unnecessary solder, or if all the pieces be not affixed together which it shall appear are intended to be affixed together, then in any of such

Plate to be  
weighed, &c.;  
and, if of ob-  
jectionable  
manufacture,  
to be returned  
without being  
marked;

but, if un-  
objectionable,  
drawings to be  
taken for assay  
and diet, &c.

cases, if no intention of fraud shall appear, such plate or ware shall be returned to the owner thereof without being marked; but if such plate or ware shall be found free from all the objections aforesaid, there shall be drawn or scraped so much from each piece, in proportion to the weight thereof, as will not exceed in the whole the rate of eight grains for every pound weight troy, and such drawings or scrapings shall immediately afterwards be divided into two equal portions, one whereof shall be kept by the assayer and used by him for the purpose of making his assays, and the other portion shall be locked up, with two different locks, in boxes to be provided for that purpose, which shall be called the assayer's boxes, the one of which shall be the box for gold and the other the box for silver, and in each of which boxes there shall be two compartments; and the respective keys of each of such boxes shall be kept by the deacon of the said incorporation, or by the chairman or preses of the said company respectively, and by the assayer of the said incorporation or company.

Assayer may  
test plate.

VI. AND be it further enacted, that if, on view of any wrought or manufactured plate or ware of gold or silver brought to either of the said assay offices to be assayed and marked, the assayer shall suspect that too great a quantity of base metal or solder is contained or concealed in such plate or ware, or has been used in or about the manufacture thereof, or shall discover or suspect that any fraud or deceit has been practised or intended in such manufacture by joining together metals of different standards of fineness in the same article, it shall be lawful for the said assayer, in the presence of any two or more of the wardens, whom in that case he is hereby directed to call in for the purpose, to break, cut asunder, or otherwise test such article; and if it shall appear that an undue quantity of base metal or solder is contained or present in any part thereof, or that the same has been fraudulently or deceitfully manufactured by joining together metals of different standards of fineness, some of such metals being worse than the standard with the marks denoting which such article shall have been required by the worker to be marked, such plate shall be defaced, and the same or the value thereof, together with the money paid or left for the assay and touch thereof, shall be forfeited to the said incorporation or company to whose assay office the same shall be brought, to be by them applied towards the expences of their said assay office: Provided always, that if, on cutting, breaking, unsoldering, or otherwise testing the quality or manufacture of any such plate under the authority aforesaid, no unnecessary solder or other base metal shall be found therein, and no such fraud or deceit shall appear to have been practised in the manufacture thereof, the assayer and wardens so testing the same shall forthwith make recompence and satisfaction in money to the owner of such plate to the full amount of the damage done thereto, and charge the same to the account of the expences of the assay office to which such article shall have been so brought; and in the event of the owner of such plate being dissatisfied with the judgment of the said assayer and wardens, the matter shall be settled and determined by two justices or magistrates of the city in which such assay office shall be situate, upon complaint being made to them by the party alleged to be injured; and such justices or magistrates may proceed by examination of witnesses on oath, if necessary, which oath they are hereby empowered to administer; and such sum as they shall see fit to award as the amount of damage, shall be recoverable

Plate contain-  
ing undue  
quantity of  
base metal, &c.  
to be defaced  
and forfeited.

Compensation  
to be made for  
damage where  
plate is found  
good.

Disputes to be  
settled by two  
justices.

as a debt due from the said wardens, assayer, or other officer, to the party so injured as aforesaid.

VII. AND be it enacted, that the portion of the drawings or scrapings of each piece of gold or silver plate or ware so taken by the assayer as aforesaid for the purpose of making his assays shall be assayed by him, and if the same shall be found to be of a quality inferior to that standard with the marks denoting which the owner or owners thereof shall have required the piece wherefrom such drawings or scrapings shall have been taken to be marked, such piece shall be broken and defaced, and in such defaced state returned to the owner; and such pieces as the said assayer shall ascertain to be of equal or superior fineness to the standard for denoting which the said owner or owners shall have required the same to be marked, shall be marked by the assayer with the marks hereby directed to be provided in that behalf, and delivered to the owner or bringer of such plate (he paying for the assay and marking thereof such sums as are hereby authorized to be charged and levied for assaying and marking such plate); and the drawings or scrapings belonging to such piece so marked shall be taken out of the assayer's box, and shall be deposited in boxes to be called the diet boxes to be provided for that purpose, the one of which shall be the box for gold and the other the box for silver, and in each of which boxes there shall be two compartments in such part thereof as shall be appropriated to the standard the marks of which shall have been stamped on the piece from which such drawings or scrapings shall have been taken; and each of such diet boxes shall be locked with two different locks, the respective keys whereof shall be kept by the said deacon and chairman or preses respectively and by the assayer; and the said boxes shall not be opened except in the presence of the said court of wardens and the said assayer, and none of the scrapings or drawings shall be taken out of either of such boxes except for the purpose of trial of the diet annually as herein-after directed; and the other portion of the said scrapings or drawings, or so much thereof as shall remain after the assay thereof, shall be deposited together in the assayer's box in the part thereof to be appropriated for that purpose, and the same shall be disposed of in manner herein-after directed.

Portion of drawings to be assayed, and if inferior to standard, plate to be defaced; if equal, plate to be marked.

VIII. AND be it further enacted, that the assayer of the said incorporation or company respectively shall, in the presence of the respective wardens thereof, four times in every year duly weigh all the drawings and scrapings deposited in the assayer's boxes, and enter the true weight thereof in a book to be kept for that purpose; and it shall then be lawful for the said wardens to sell such drawings and scrapings; and the produce of such sale shall be entered in their book of receipts and payments for and on the account of their said assay office, and shall be applied towards the expences of such office.

Drawings shall be weighed four times a year and sold.

IX. AND be it further enacted, that the diet boxes belonging to the said incorporation and company respectively shall once in every year be opened in presence of the assayer and wardens thereof, who shall cause the diets contained therein, with a note of the alleged standards thereof respectively, to be delivered to such person or persons as shall from time to time be appointed by the lord high treasurer of the United Kingdom of Great Britain and Ireland, or the commissioners of his Majesty's Treasury, or any three or more of them, for the trial of gold and silver plate in Scotland; and such person or persons shall give to the assayer whose diets are to be tried notice of the time and

Diets to be tried annually.

place appointed for such trial, in order that he may be present thereat, if he thinks fit; and if upon such trial the said diets shall be found equal or superior to the alleged standards thereof respectively, then and in such case such person or persons shall return the said diets to or to the order of the wardens of the said incorporation and company respectively, who are hereby authorized to sell and dispose thereof, and, having entered the produce thereof in the book of receipts and payments of their said assay office, to pay and apply such produce for and towards the expences of such assay office.

Penalty on assayer if diets found inferior to standards.

X. PROVIDED always, and be it enacted, that if on the said trial the said diets or any of them shall be found inferior in fineness to the alleged standards thereof respectively, the assayer belonging to the said incorporation or company whose diets shall be so tried shall forfeit and pay a sum not exceeding one hundred pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Wardens and assayers to take oaths before entry upon office.

XI. AND be it further enacted, that every warden and assayer to be hereafter appointed by the said incorporation of goldsmiths of Edinburgh, or Glasgow goldsmiths company, shall before entering upon their respective offices take an oath de fideli administratione; which oath the deacon or clerk of the said incorporation or company respectively is hereby required and empowered to administer to the said wardens and assayers respectively.

Assayers and wardens not to discover, &c. patterns of plate.

XII. AND be it further enacted, that the assayers, wardens, or other officers of the said incorporation and company respectively shall not discover, by description in words or otherwise, to any person or persons whatsoever any pattern, design, or invention of any piece of gold or silver plate brought or to be brought to their respective assay offices to be assayed as aforesaid, or permit the same to be viewed or seen by any person whatsoever, except by the persons necessarily employed or to be employed in their said assay offices; and such assayers respectively shall keep a book or books, wherein shall be entered the names of every owner of plate brought to be assayed, and the several species and standards of plate assayed, and an account of the money received for the assaying thereof, and likewise an account of the monies arising from the drawings and scrapings of plate, and the times when the same shall be sold in manner herein-before directed, and also an account of the salaries and wages of the officers and servants, and of the other incidental expences attending the carrying of this Act into execution; and every member of such incorporation and company respectively shall have free access to and inspection of such books; and if any such warden, assayer, or other officer shall, contrary to the true intent and meaning of this Act, discover any pattern or invention as aforesaid, such warden, assayer, or other officer shall for every such offence forfeit and pay a sum not exceeding one hundred pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Assayers to keep proper books.

Penalty for discovering patterns of plate.

Custody of dies.

XIII. AND be it further enacted, that the dies, punches, or marking instruments of the said incorporation and company shall be respectively locked up in a box, whereof the key shall be kept by the assayer of the said incorporation or company, to be used by him for the purpose of marking plate which shall have been assayed and ascertained to be of the proper standard; and if such assayer shall mark or cause to be marked with any mark or impression of the said incorporation or company any plate that has not been duly assayed and found of the proper standard, such assayer shall for every

Penalty on assayer for marking plate not duly assayed.

such offence forfeit and pay a sum not exceeding one hundred pounds, to be levied, recovered, and applied in manner herein-after mentioned, and shall also be deprived of his office, and be for ever afterwards incapable of exercising the office of assayer.

XIV. AND be it further enacted, that it shall and may be lawful to and for the said incorporation and company, and each of them, or the major part of such incorporation or company, and they are hereby empowered, from time to time to make bye laws, rules, and orders for the well government and management of their respective assay offices, and for fixing the salaries and emoluments of their officers employed therein, and for prescribing the time and manner for receiving and returning plate brought to be assayed, and for every other purpose relative to the conduct and management of their respective assay offices.

Incorporation and company may make bye laws for the regulation of their assay offices.

XV. PROVIDED also, and be it enacted; that in case the said sums or rates hereby allowed to the said incorporation and company respectively for the assaying and marking of plate shall in the whole be more than sufficient to defray the expences of such assay offices respectively, the overplus shall be applied by such incorporation or company to which such assay office shall belong in the prosecution of suspected offenders against this Act; and if such overplus shall be more than shall be required for that purpose, such incorporation or company shall respectively reduce their rates or sums hereby authorized to be levied as aforesaid, or such of them as they in their discretion shall think proper to be reduced, to such rates or sums as will answer the purposes before mentioned without bringing any profit to such incorporation or company: Provided always, that if such reduced rates shall at any time be found insufficient for the purposes before mentioned, the same may be raised again as much as shall be necessary for such purposes, such rates however never exceeding the rates herein-before authorized to be levied; and the said assayers of the said incorporation and company respectively are hereby authorized and empowered to levy and take such reduced or raised rates or sums in manner herein-before provided with respect to rates or sums which may be originally imposed.

Overplus of rates to be applied in prosecution of offenders.

Rates may be reduced and again raised.

XVI. PROVIDED always, and be it enacted, that nothing herein contained shall extend to render it necessary that any of the following wares of gold should be stamped or marked with any of the marks hereby required; (that is to say,) rings, collets for rings or other jewels, chains, necklace beads, lockets, medals, hollow or raised buttons, sleeve buttons, thimbles, coral sockets and bells, ferrils, pipe lighters, cranes for bottles, very small book clasps, stock or garter clasps jointed, very small nutmeg graters, rims of snuff-boxes whereof the tops and bottoms are made of shell or stone, sliding pencils, toothpick cases, tweezer cases, pencil cases, needle cases, any filigree work, any sorts of tippings or swages on stone or ivory cases, any mounts, screws, or stoppers to stone or glass bottles or phials, any small or light ornaments put to amber or other eggs of urns, any wrought seals, or seals with cornelian or other stones set therein, or any gold vessel, plate, or manufacture so richly engraved, carved, or chased, or set with jewels or other stones, as not to admit of an assay to be taken thereof, or a mark to be struck thereon, without damaging, prejudicing, or defacing the same, or such other things as by reason of the smallness or thinness thereof are not capable of receiving

Exception as to certain gold wares.

the marks hereby required, or any of them, and not weighing ten pennyweights of gold each.

Exception as to  
certain silver  
wares.

XVII. AND be it further enacted, that nothing in this Act contained shall extend to render it necessary that any of the following wares of silver should be stamped or marked with any of the marks hereby required; (that is to say,) chains, necklace beads, locketts, any filigree work, shirt buckles or brooches, stamped medals, or spouts to china, stone, or earthenware tea-pots, or any of them, of any weight whatsoever, or tippings, swages, or mounts, or any of them, not weighing ten pennyweights of silver each, or any necks or collars for castors, cruets, or glasses appertaining to any sort of stand or frame, or any ware of silver whatsoever, not weighing five pennyweights of silver each, or any buttons to be affixed or set on any wearing apparel, solid sleeve buttons, and solid studs, not having a bisseled edge soldered on, wrought seals, blank seals, bottle tickets, shoe clasps, patch boxes, buckles, or any pieces to garnish cabinets of knife cases or tea chests, or bridles, or stands, or frames.

Penalty for  
selling or ex-  
porting plate  
not duly  
marked.

XVIII. AND be it further enacted, that if any goldsmith, silversmith, or worker or dealer in plate, or other person, shall knowingly sell, exchange, or keep or expose for sale, or export or attempt to export out of Scotland, any gold or silver plate or ware (except as herein is excepted) made or wrought after the said first day of October one thousand eight hundred and thirty-six, which shall not respectively be marked with the proper marks herein-before required to be stamped on the kind and standard quality of which such respective plate or ware shall be, every person so offending shall for each piece of gold or silver plate so sold, exchanged, or kept or exposed for sale, or exported or attempted to be exported as aforesaid, forfeit and pay a sum not exceeding one hundred pounds, and shall also forfeit all such plate and ware not duly marked as aforesaid, which shall be so sold, exchanged, or exposed or kept for sale, exported or attempted to be exported; such penalties and forfeitures to be levied, recovered, and applied in manner herein-after mentioned.

Persons forging  
or imitating  
dies or marks,  
stamping with  
forged dies,  
transposing  
marks, selling  
plate with  
forged marks  
thereon,  
&c., and frau-  
dulently using  
the lawful dies,  
guilty of  
felony, &c.

XIX. AND be it further enacted, that if any person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, any die, punch, or other marking instrument, or any part of any die, punch, or marking instrument, used or provided or to be used or provided for striking or impressing any mark or impression by this Act directed to be used, or which in pursuance of this Act hath been or shall or may be used, by or under the direction of the said incorporation or company respectively, or by any maker or worker of gold or silver plate, or by or under the direction of any other person or persons legally authorized in that behalf, for the purpose of stamping or marking gold or silver plate; or if any person shall forge, counterfeit, or imitate, or shall cause or procure to be forged, counterfeited, or imitated, upon any gold or silver plate, or upon any ware or manufacture of base metal or mixture of metals, the stamp, mark, or impression, or any part of the stamp, mark, or impression, of any such die, punch, or other marking instrument as aforesaid; or if any person shall stamp or mark, or shall cause or procure to be stamped or marked, any gold or silver plate, or any ware or manufacture of base metal, with any such forged or counterfeit die, punch, or marking instrument, or part of a die, punch, or marking instrument as aforesaid; or if any person shall transpose or remove, or shall cause or procure to be transposed or removed,

from any piece of gold or silver plate to any other piece of plate either of gold or silver, or to any ware or manufacture of base metal, any mark or impression directed to be used or which hath been or shall or may be used as aforesaid; or if any person shall sell, exchange, or expose for sale, or shall export or attempt to export out of any part of Scotland, or shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any gold or silver plate, or any ware or manufacture of base metal, having thereupon the mark or impression of or from any such forged or counterfeit die, punch, or marking instrument as aforesaid, or having thereupon any such forged or counterfeit mark or impression as aforesaid, or any mark or impression which shall have been so transposed or removed as aforesaid, knowing the same respectively to be forged, counterfeit, transposed, or removed; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any such forged or counterfeit die, punch, or marking instrument, or part of a die, punch, or marking instrument as aforesaid; or if any person shall cut out of or sever from any piece of plate of gold or silver any mark or impression, or any part of any mark or impression, made with any such die, punch, or marking instrument as aforesaid, with intent that such mark or impression, or part of a mark or impression, shall or may be placed upon or joined or affixed to any other piece of plate either of gold or silver, or to any ware or manufacture of base metal; or if any person shall place upon or join or affix to any piece of plate, either of gold or silver, or any ware or manufacture of base metal, any such mark or impression, or any part of any such mark or impression, which hath been or shall have been cut out of or severed from any piece of plate of gold or silver; or if any person shall privately or secretly employ or use, or cause or procure to be employed or used, any genuine or lawful die, punch, or marking instrument so used or provided or to be used or provided as aforesaid; then and in every such case every such offender, and every person counselling, aiding, or abetting such offender, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years nor less than two years, as the court shall award.

XX. AND be it enacted, that upon information given before any justice of the peace upon the oath of one or more credible person or persons (which oath such justice is hereby empowered and required to administer), that there is reasonable or probable cause to suspect any person of being or having been engaged or concerned in making any false or counterfeit die, punch, or other instrument, for the purpose of unlawfully marking any gold or silver plate, or any ware or manufacture of base metal or mixture of metals, or of being or having been engaged or concerned in the unlawful stamping or marking of any such plate, ware, or manufacture as aforesaid, or of being or having been unlawfully possessed of any such false or counterfeit die, punch, or instrument as aforesaid, or of any such plate, ware, or manufacture as aforesaid with any counterfeit mark or impression thereon, or of being or having been engaged or concerned in fraudulently or unlawfully, or without due authority, marking or impressing any genuine or lawful die, punch, or instrument on any such plate, ware, or manufacture, or of being or having been unlawfully possessed

Upon information on oath against persons suspected of felonious offences, justices may grant search warrants, &c.



of any such genuine or lawful die, punch, or instrument, or of being or having been engaged or concerned in the commission of any other felonious or fraudulent act or offence with relation to the assaying and marking of gold or silver plate, it shall be lawful for such justice and he is hereby required, on the application of any warden or other officer of the said incorporation or company, to grant a warrant under his hand, directed to any constable, peace officer, or other person or persons named in such warrant, authorizing or empowering him or them, with such other person or persons as he or they shall call to his or their assistance, to enter and search any house, room, shop, warehouse, outhouse, building, or other place belonging to such suspected person, or where such person shall be suspected of being or having been engaged or concerned in the commission of any such offence as aforesaid, or where any such die, punch, or instrument, or plate, ware, or manufacture as aforesaid, shall be or shall be suspected to be, and there to search for, seize, and take away all such dies, punches, or instruments, and all such plate, wares, and manufactures as aforesaid, in order that the same may be given in evidence against any such offender; and all plate, wares, and manufactures which shall be lawfully seized as forfeited under any of the provisions of this Act by any officer of the said incorporation or company, or which shall be lawfully seized under any such warrant as aforesaid, granted on the application of any such officer, shall be forfeited to the incorporation or company to which such officer shall belong, and shall be disposed of as such incorporation or company shall think fit.

Plate, wares,  
and manufac-  
tures seized  
shall be  
forfeited.

Penalty on  
striking letters  
on base metal.

XXI. AND be it enacted, that if any goldsmith, silversmith, or worker or dealer in wrought gold or silver plate, or any worker or dealer in any other metal, shall stamp or cause to be stamped any letter or letters upon any article or thing made of metal plated or covered with gold or silver, or of any metal or mixture of metals made or intended to resemble gold or silver, every such person or persons shall for every such offence forfeit and pay a sum not exceeding one hundred pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Recovery and  
application of  
penalties.

XXII. AND be it further enacted, that all penalties and forfeitures imposed by this Act shall be recovered by any person or persons who shall sue for the same before any two justices of the peace having jurisdiction within the county, city, borough, or place in which the offence shall have been committed or where the alleged offender shall reside, or before the sheriff of any such county; and it shall be lawful for such justices or sheriff to proceed in a summary way, and to grant warrant for bringing the parties complained of immediately before them or him, and on proof by the confession of the offender, or on the oath of one or more credible witness or witnesses or other legal evidence, forthwith to determine and give judgment in such complaint; and if on conviction the penalties hereby imposed be not immediately paid, the said justices or sheriff are hereby empowered to grant warrant for the recovery thereof, and of the expences decreed for, by pouding and sale, according to the law of Scotland; and in case such penalties shall not be forthwith paid upon conviction, and if by the confession of the offender, or the report of a sheriff's officer or constable, it shall appear that no sufficient goods or effects can be found within any place in the said county known to such officer or constable, then it shall be lawful for such justices or sheriff, by a warrant under their

or his hand, to cause such offender or offenders to be committed to the common gaol or house of correction for the said county where the matter of complaint may arise, or for the nearest burgh in such county, there to remain without bail for such time as such justices or sheriff shall direct, not exceeding six calendar months, unless such penalties and all reasonable charges attending the recovery thereof shall be sooner paid and satisfied; and the penalties so paid or recovered shall belong, one half thereof to the person or persons suing for the same, and the other half thereof to his Majesty, his heirs and successors: Provided always, that if any person or persons shall think himself, herself, or themselves aggrieved by any judgment of any such justices, such person or persons may, upon finding caution to implement such judgment and to pay such costs as may be ordered in case the same shall be affirmed, appeal from the judgment of the said justices to the justices of the peace at the next general quarter sessions for the county which shall happen not sooner than ten days after such judgment shall have been given; and the judgment of such sheriff, and of such justices in quarter sessions, shall be final, and shall not be subject to review by advocacy, suspension, reduction, or otherwise.

XXIII. AND be it further enacted, that in all prosecutions or other proceedings under this Act, or any Act or Acts of Parliament touching the assaying or marking of wrought or manufactured plate or ware of gold or silver, or any fraud in the manufacture thereof, or touching any duty or duties granted or to be granted to his Majesty upon such plate or ware, or touching any licence or licences required to be taken out by dealers in such plate or ware, any and every member and freeman of the said incorporation or company shall at all times, in or before any court or magistrate, be considered and received as a competent and credible witness to be examined and give evidence upon oath touching any felony, fraud, or other unlawful act with which any person or persons shall or may be charged or accused, notwithstanding any interest which such member or freeman may have or may be considered to have in the funds of the said incorporation or company, or as such member or freeman in the result of such prosecution or other proceeding.

Members of the incorporation or company to be competent witnesses in prosecutions.

XXIV. AND be it enacted, that nothing herein contained shall affect or alter, or be construed to affect or alter, the provisions of an Act passed in the fifty-ninth year of his late Majesty King George the Third, intituled "An Act for establishing an assay office in the city of Glasgow," but such Act shall continue in full force and effect, except so far as the same is expressly altered or varied by this Act; and that nothing herein contained shall in any manner supersede or annul any of the enactments, clauses, powers, offences, or penalties created by any Act or Acts now in force whereby any duty or duties are or have been granted to his Majesty on wrought or manufactured plate, or on any licence or licences which are or may be required to be taken out by dealers in such plate.

Act not to affect 59 Geo. 3. c. xxviii. or Acts granting duties on plate or on dealers licences.

XXV. AND be it enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others.

Public Act.

## CHAPTER LXXI.

## AN ACT for the Commutation of Tithes in England and Wales.\*†

[13th August 1836.]

**W**HEREAS it is expedient to amend the laws relating to tithes in England and Wales, and to provide the means for an adequate compensation for tithes, and for the commutation thereof: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for one of his Majesty's principal secretaries of state to appoint two fit persons to be commissioners to carry this Act into execution, and for the archbishop of Canterbury, under his hand and archiepiscopal seal, to appoint one fit person to be a commissioner to carry this Act into execution, and for the said archbishop and secretary of state, at their joint pleasure, to remove any one or more of the commissioners so appointed; and upon every vacancy in the office of commissioner some other fit person shall be appointed to the said office in the same manner and by the same authority as the commissioner whose vacancy is thereby supplied; and until such appointment it shall be lawful for the continuing commissioners or commissioner to act as if no such vacancy had occurred. [Rep., Stat. Law Rev. Act, 1874.]

Appointment  
of commis-  
sioners.

Style of com-  
missioners, &c.

Commissioners  
to have a com-  
mon seal, &c.

Awards, &c.  
purporting to  
be sealed with  
such seal to  
be received in  
evidence, &c.

Commissioners  
to report  
annually, &c.  
to secretary of  
state.

Annual report  
to be laid  
before Par-  
liament.

Power to ap-  
point assistant  
commissioners,  
secretary,  
assistant secre-  
tary, &c.

II. AND be it enacted, that the said commissioners shall be styled "The Tithe Commissioners for England and Wales," and shall have their office in London or Westminster, and they, or any two of them, may sit from time to time, as they deem expedient, as a board of commissioners for carrying this Act into execution; and the said commissioners shall cause to be made a seal of the said board, and shall cause to be sealed or stamped therewith all agreements and awards confirmed by the said commissioners in pursuance of this Act; and all such agreements and awards and other instruments proceeding from the said board, or copies thereof, purporting to be sealed or stamped with the seal of the said board, shall be received in evidence without any further proof thereof; and no agreement or award shall be of any force unless the same shall be sealed or stamped as aforesaid.

III. AND be it enacted, that the said commissioners shall from time to time give to any one of his Majesty's principal secretaries of state such information respecting their proceedings or any part thereof as the said principal secretary of state shall require, and shall once in every year send to one of the principal secretaries of state a general report of their proceedings; and every year such general report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such principal secretary of state, if Parliament be sitting, or, if Parliament be not sitting, then within six weeks after the next meeting thereof.

IV. AND be it enacted, that it shall be lawful for the commissioners from time to time to appoint a sufficient number of persons to be assistant commissioners, and also a secretary and assistant secretary, and all such clerks, messengers, and officers as they shall deem necessary, and to remove such assistant commissioners, secretary or assistant secretary, clerks, messengers, or officers, or any of them, and on any vacancy in any of the said offices to appoint some other person to the vacant office; and the persons so appointed shall assist in carrying this Act into execution at such places and in such manner as the said commissioners may direct: [Rep., Stat. Law Rev. Act, 1874.]

\* So much of this Act and of the Acts amending the same as provides that the land given to any spiritual person in exchange for glebe of any benefice shall be free from incumbrances, and shall not be of copyhold or customary tenure, subject to arbitrary fine or the render of heriots, rep., 23 & 24 Vict. c. 93. s. 41.]

VI. AND be it enacted, that no commissioner or assistant commissioner, secretary, assistant secretary, or other officer or person so to be appointed, shall hold his office for a longer period than five years next after the day of the passing of this Act, and thenceforth until the end of the then next session of Parliament; and after the expiration of the said period of five years and of the then next session of Parliament so much of this Act as authorizes any such appointment shall cease. [Rep., Stat. Law Rev. Act, 1874.]

Operation of Act as to appointment of commissioners, &c. limited to five years.

IX. AND be it enacted, that every such commissioner and assistant commissioner shall, before he shall enter upon the execution of his office, take the following oath before one of the judges of his Majesty's Court of King's Bench or Common Pleas, or one of the barons of the Court of Exchequer; (that is to say,)

Commissioners and assistant commissioners to take an oath.

I A.B. do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, fulfil all the powers and duties of a commissioner [or assistant commissioner, as the case may be,] under an Act passed in the year of the reign of King William the Fourth, intituled [here set forth the title of this Act]. [Rep., Stat. Law Rev. Act, 1874.]

Form of oath.

X. AND be it enacted, that the said commissioners, or any assistant commissioner, may, by summons under their or his hand, require the attendance of all such persons as they or he may think fit to examine upon any matter brought before them or him as herein-after mentioned relating to the commutation of tithes, and also make any inquiries, and call for any answer or return as to any such matter, and also administer oaths, and examine all such persons upon oath, and cause to be produced before them or him upon oath all books, deeds, contracts, agreements, accounts, and writings, terriers, maps, plans, and surveys, or copies thereof respectively, in anywise relating to any such matter: Provided always, that no such person shall be required, in obedience to any such summons, to travel more than ten miles from the place of his abode, or to produce any deeds, papers, or writings relating to the title of any lands or tithes.

Commissioners and assistant commissioners may summon and examine witnesses, &c.

XII. AND be it enacted, that in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word "person" shall mean and include the King's Majesty, and any body corporate, aggregate, or sole, as well as an individual; and any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only shall mean and include a female as well as a male; and the word "lands" shall mean and include all messuages, lands, tenements, and hereditaments; and the word "tithes" shall mean and include all uncommuted tithes, portions and parcels of tithes, and all moduses, compositions real, and prescriptive and customary payments; and the word "parish" and "parochial" shall mean and include and extend to every parish and every extra-parochial place, and every township or village, within which overseers of the poor are separately appointed under the provisions of an Act passed in the thirteenth and fourteenth years of the reign of his late Majesty King Charles the Second, intituled "An Act for the better relief of the poor of this kingdom," and every district of which the tithes are payable under a separate impropriation or appropriation, or in a separate portion or parcel, or which the commissioners shall by any order direct to be considered as a separate district for the commutation of tithes; and the words "land owner"

Interpretation of terms.

"Person,"

number and gender,

"lands,"

"tithes,"

"parish," and "parochial."

14 Cha. 2. c. 12.

"land owner,"

"tithe-owner,"  
&c.

Where parties  
to be deemed  
joint owners.

When the  
ownership of  
lands or tithes  
or patronage is  
vested in the  
crown, first  
commissioner  
of woods, &c.  
shall be sub-  
stituted for  
the owner or  
patron.

When the  
same person  
is owner of  
lands and  
owner of tithes,  
&c., he may be  
dealt with in

or "tithe owner" or "owner of lands" or "owner of tithes," shall mean and include every person who shall be in the actual possession or receipt of the rents or profits of any lands or tithes, (except any tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of not less than two thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded fourteen years from the commencement thereof,) and that without regard to the real amount of interest of such person; and in every case in which any tithes or lands shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease on which a rent less than two thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded fourteen years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease, shall, jointly with the person who shall be liable to the payment of such rent of such tithes or lands, be deemed for the purposes of this Act to be the owner of such tithes or lands; and in every case in which any person shall be in possession or receipt of the rents or profits of any tithes or lands under any sequestration, extent, elegit, or other writ of execution, or as a receiver under any order of a court of equity, the person against whom such writ shall have issued, or who but for such order would have been in possession, shall, jointly with the person in possession by virtue of such writ or order, be deemed for the purposes of this Act to be the owner of such tithes or lands.

XIII. AND be it enacted, that whenever the ownership of any lands or tithes to which the provisions of this Act are intended to apply shall be vested in his Majesty, the first commissioner of his Majesty's woods, forests, and land revenues for the time being, or in case such lands or tithes shall be vested in his Majesty in right of the duchy of Lancaster, or of the duchy of Cornwall, the chancellor of the duchy of Lancaster, or the officers of the duchy of Cornwall entitled to grant leases of lands parcel of the duchy of Cornwall, shall for the purposes of this Act be substituted instead of the owner of such lands or tithes respectively; and whenever the patronage of any benefice to which the provisions of this Act are intended to apply shall be vested in his Majesty, the lord high treasurer or first lord commissioner of the Treasury for the time being where the value of such benefice is above the yearly value of twenty pounds in the King's books, and, where such value is of or below the yearly value of twenty pounds in the King's books, the lord chancellor or lord keeper or first lord commissioner of the great seal for the time being, shall for the purposes of this Act be substituted instead of the patron: Provided nevertheless, that if such patronage is vested in his Majesty in right of the duchy of Lancaster, the chancellor for the time being of such duchy shall for the purposes of this Act be substituted instead of the patron.

XIV. AND be it enacted, that whenever any person shall be at the same time owner of any lands and owner of any tithes comprised within any agreement to be executed pursuant to the provisions of this Act, or besides being owner of any lands or of any tithes shall also be patron of the benefice to which the tithes in question may belong, such person, in relation to such

agreement, may act and be dealt with in each of the several characters so borne by him as aforesaid.

each character.

XV. AND be it enacted, that whenever the patron of any benefice or the owner of any lands or tithes to which the provisions of this Act are intended to apply, or any person interested in any question as to any tithes, shall be a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband, or attorney respectively, or in default thereof such person as may be nominated for that purpose by the commissioners after due inquiry shall have been made by them as to the fitness of such person, and whom they are hereby empowered to nominate under their hands and seal, shall for the purposes of this Act be substituted in the place of such patron, owner, or person so interested.

In case the patron or owner, &c. is under legal disability, &c., guardian, &c. shall act.

XVI. AND be it enacted, that it shall be lawful for any land owner or tithe owner, by a power of attorney given in writing under his hand, to appoint an agent to act for him in carrying into execution the provisions of this Act; and all things which by this Act are directed to be done by or with relation to any person, may be lawfully done by or with relation to the agent so duly authorized of such person; and every such agent shall have full power, in the name and on behalf of his principal, to concur in and execute any agreement, and to vote on any question arising out of the execution of this Act; and every person shall be bound by the acts of any such agent, according to the authority committed to him, as fully as if the principal of such agent had so acted; and the power of attorney under which the agent shall have acted, or a copy thereof authenticated by the signature of two credible witnesses, shall be appended to every agreement executed by any such agent, and shall be sent with it to the office of the commissioners as herein-after provided; and any such power of attorney may be in the form following:

Acts may be done by agents duly authorized.

‘ I A.B. of [&c.], do hereby appoint C.D. of [&c.], to be my lawful attorney to act for me in all respects as if I myself were present and acting, in the execution of an Act passed in the sixth and seventh years of his present Majesty, intituled [here insert the title of this Act].

Power of attorney.

(Signed) ‘ A.B.’

XVII. AND be it enacted, that any one or more of the land owners or tithe owners, whose interest respectively shall not be less than one fourth part of the whole value of the lands subject to tithes, or one fourth part of the whole value of the tithes, of any parish in England or Wales, may call a parochial meeting of land owners and tithe owners within the limits of the parish, by notice thereof in writing under his or their hand, to be affixed at least twenty-one days before such meeting on the principal outer door of the church, or in some public and conspicuous place within the limits of the parish, and to be twice at least during such twenty-one days inserted in some newspaper generally circulated within the county in which such parish is situated, for the purpose of making an agreement for the general commutation of tithes within the limits of such parish; and every land owner and tithe owner attending such meeting shall bear his own expences of attendance; and the land owners and tithe owners who shall be present at any such meeting called as aforesaid, and whose interest in the lands and tithes of the parish respectively shall not be less than two thirds of the lands subject to tithes, two thirds of the great tithes and two thirds of the small tithes of the parish, may

Parochial meetings may be called, at which owners of two thirds in value may agree on an annual sum to be paid by way of rent-charge to the tithe owners, which agreement shall bind the whole parish.

proceed to make and execute a parochial agreement for the payment of an annual sum by way of rent-charge, variable as herein-after provided, instead of the great and small tithes of the parish collectively, or instead of the great tithes and small tithes severally, to the respective owners thereof in the said parish; and every agreement so made and executed, and confirmed in manner herein-after mentioned, shall be binding on all persons interested in the tithes or lands subject to tithes of the said parish.

A chairman shall be elected, &c.; and if persons present have not sufficient interest, a provisional agreement may be made, &c.

XVIII. AND be it enacted, that the majority of such land owners and tithe owners present at every such meeting shall elect a chairman, who shall forthwith proceed to ascertain the interest of the land owners and tithe owners then present in person or by their agents; and in case it shall thereupon appear that the persons present at such meeting have not a sufficient interest in the premises as aforesaid to make and execute such an agreement which shall be binding on all persons interested therein, it shall be lawful notwithstanding for any number of the persons then present to make and execute a provisional agreement for the commutation of tithes of the like form and tenor; and every such provisional agreement which shall be executed, within six calendar months from the day of the first making thereof, by the land owners and tithe owners whose interest in the lands and tithes of the parish shall not be less than two thirds of the lands subject to tithes, two thirds of the great tithes and two thirds of the small tithes of the parish respectively, shall be as binding as if executed by all the parties thereto at the meeting at which the agreement was first made.

Proportional interest in lands and tithes how to be estimated for the purposes of this Act.

XIX. PROVIDED always, and be it enacted, that the proportional interest of the owners of such lands or tithes, so far as relates to their power to make any such agreement or provisional agreement, or to give any notice to the commissioners or assistant commissioners as herein-after provided, shall be estimated according to the proportional sum at which such lands or tithes shall be rated to the relief of the poor, or, if there shall be no such rate, according to the rules by which property of the same kind is by law rateable to the relief of the poor.

Meeting may be adjourned.

XX. AND be it enacted, that in case an adjournment of the said meeting for any cause shall be desired by a majority of the persons attending such meeting, the chairman shall adjourn the meeting to any time and place then by him to be declared, and so from time to time in case the same shall be in like manner desired by a majority of the persons attending such meeting; and notice of every adjourned meeting shall be given under the hand of the chairman, and shall be affixed in a conspicuous place on the outside of the building in which such meeting or the last adjournment thereof shall have been holden; and the like order of proceeding shall be observed at any such adjourned meeting, and every thing done at any such adjourned meeting shall be as valid as if done at the original meeting.

Form of parochial agreement.

XXI. AND be it enacted, that every such agreement shall bear date on the day on which the first signature is attached thereto, and every such agreement or some schedule thereunto annexed shall set forth all the lands of the said parish which are subject to the payment of any kind of tithes, and also the true or estimated quantity in statute measure of land subject to tithes within the parish which shall be then cultivated as arable, meadow, or pasture land, or as wood land, common land, or howsoever otherwise, and shall also set forth

whether any modus or composition real, or prescriptive or customary payment, shall be payable instead of all or any of the tithes of the said parish, and which lands or tithes respectively are covered thereby, and shall also set forth which of the said tithes, moduses, compositions, or payments are payable to the tithe owner, or, if there is more than one tithe owner, to each of the several tithe owners in the said parish, distinguishing in what right every such tithe owner is entitled to such tithes, and shall also set forth whether any and which of the lands of the said parish are or have been under any and what circumstances exempt from the payment of any and what tithes; and such agreement shall also state in words at length the amount of the sum or sums agreed to be paid (subject to variation as herein-after provided) instead of the tithes of the lands comprised in the said agreement, and instead of all moduses and compositions real, prescriptive and customary payments (if any), payable in respect of such lands, or the produce of such lands or any of them, distinguishing, if there is more than one tithe owner, the sum payable to every such tithe owner, and where the tithes of different lands in the same parish are payable to different tithe owners, or to the same tithe owner in different rights, distinguishing the sum payable in respect of such different lands; and every such agreement shall also state all such other particulars as the commissioners shall by any order from time to time require to be inserted in such agreements.

XXII. AND be it enacted, that the commissioners shall frame and cause to be printed, as soon as conveniently may be after their appointment, forms of notices and agreements, and such other instruments as in their judgment will further the purposes of this Act, and supply all or any of such forms to the churchwardens and overseers of any parish who may require the same, or to whom the commissioners may think fit to send the same, for the use of any land owner or tithe owner desirous of putting this Act in execution.

Commissioners to frame and circulate forms of notices and agreements, &c.

XXIII. AND be it enacted, that any commissioner or assistant commissioner, if the commissioners shall think fit, may attend any such meeting for the purpose of taking part in the discussion and advising on the terms of agreement; but no commissioner or assistant commissioner, during the time that he is actually attending such meeting for that purpose, shall have any of the powers herein given to the commissioners in case of an award or apportionment by the commissioners as herein-after provided.

Commissioner or assistant commissioner may attend meeting to advise terms of agreement.

XXIV. AND be it enacted, that if any suit shall be pending touching the right to any tithes, or if there shall be any question as to the existence of any modus or composition real, or prescriptive or customary payment, or any claim of exemption from or non-liability to tithes under any circumstances in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making and executing of any such agreement shall be hindered, it shall be lawful for the owners, or, if there shall be no owner actually in possession, for the persons claiming to be the owners of the lands and tithes respectively, being parties to such suit or difference, to submit the same to reference by any writing under their respective hands, containing an agreement that such submission shall be made a rule of any of his Majesty's courts of record, upon such terms of reference as the parties may agree upon; and the decision of the arbitrator or arbitrators named in the said reference shall for the purposes of this Act be final and conclusive on all persons: Provided nevertheless, that

Suits and differences may be referred to arbitration.



no person being owner of an estate in land or tithes, less in the whole than an immediate estate of fee simple or fee tail, shall be empowered to submit to any such reference so as to bind any person in remainder, reversion, or expectancy, without the consent of the commissioners; and that it shall be lawful for the commissioners, if they shall think fit so to do, but not otherwise necessary, to direct that any person in remainder, reversion, or expectancy of an estate of inheritance in the said lands or tithes, or any other person whom they shall deem to be interested therein, shall be made a party to such reference.

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Consent of crown or patron to be given to every agreement for commutation of ecclesiastical tithes.

XXVI. PROVIDED always, and be it enacted, that in every case in which any tithes shall belong to any ecclesiastical person in right of any spiritual dignity or benefice, no agreement for the commutation of such tithes made and executed under this Act shall be deemed to be executed by the owner of such tithes unless such consent thereto be given as is herein-after mentioned; (that is to say,) in the case of an archbishop or bishop, the consent of the crown signified by the lord high treasurer or first lord commissioner of the Treasury; and in case of the incumbent of any other benefice or ecclesiastical dignity, the consent of the patron or person entitled to present to such benefice or dignity in case the same were then vacant; and every such consent shall be given under the hand of the person giving the same, and shall be annexed to the agreement, and taken to be part of the execution thereof.

Agreement to be confirmed by the commissioners.

XXVII. AND be it enacted, that every such agreement, as soon as may be after it shall have been executed by a sufficient number of land owners and tithe owners whose interest in the lands and tithes of the parish respectively shall not be less than two thirds of the lands subject to tithes, two thirds of the great tithes and two thirds of the small tithes, shall be sent by the chairman of the meeting, or by the person in whose custody it shall then be, to the office of the commissioners; and the commissioners, by themselves, or by some assistant commissioner, shall cause inquiry to be made, and shall require such proof as will be satisfactory to them, whether or not the agreement has been made without fraud or collusion, and whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the commissioners shall confirm the agreement under their hands and seal, and shall add to such agreement the date of the confirmation, and shall publish the fact of such confirmation and the date thereof within the parish in such manner as to them shall seem fit; and every such confirmed agreement shall be binding on all persons interested in the said lands or tithes.

Agreement relating to ecclesiastical tithes to be communicated to bishop of the diocese previous to its being confirmed.

XXVIII. PROVIDED always, and be it enacted, that before the commissioners shall confirm any such agreement relating to tithes belonging to any ecclesiastical person in right of any spiritual dignity or benefice, they shall communicate the same to the bishop of the diocese for his observations and opinion; and no such agreement shall be confirmed by such commissioners until four weeks shall have elapsed from the date of the transmission of such agreement to such bishop, unless the said bishop shall sooner signify his approbation of such agreement to the said commissioners.

Land, not exceeding 20 acres, may be given as com-

XXIX. AND be it enacted, that any such parochial agreement may be made in manner and form aforesaid for giving to any ecclesiastical owner, in right of any spiritual benefice or dignity, of any tithes or of any rent-charge for

which such tithes shall have been commuted, any quantity not exceeding in the whole twenty imperial acres of land by way of commutation for the whole or an equivalent part of the great or small tithes of the parish, or in discharge of or exchange for the whole or an equivalent part of any rent-charge agreed to be paid instead of such tithes, but subject in every case to the provisions herein-after contained; and every such agreement shall be made in such form and contain such particulars as the commissioners shall in that behalf direct, specifying the land whereof the tithes, or rent-charge for which such tithes shall have been commuted, shall be the subject of such agreement, and giving full and sufficient descriptions of the quantity, state of culture, and annual value of the land proposed to be given in exchange for such tithes or rent-charge: Provided always, that the same consent and confirmation shall be necessary to any such agreement as in the case of an agreement for a rent-charge; and that in case the said agreement shall not extend to the whole of the tithes of the parish, an agreement or award as herein-after provided may and shall be made for the payment of a rent-charge in satisfaction of the residue of the said tithes; and such rent-charge when agreed upon or awarded, or the residue thereof, shall be apportioned in manner herein-after provided upon all the lands of the parish subject to the payment of tithes, unless otherwise agreed upon by the parties to the said parochial agreement, except the land so given by way of commutation, in like manner as if no agreement for giving land had been made: Provided also, that the land so given shall be free from incumbrances, except leases at improved rent, land tax, or other usual outgoings, and shall not be of leasehold tenure, nor of copyhold or customary tenure, subject to arbitrary fine or the render of heriots.

mutation for  
tithes, &c.

XXX. AND be it enacted, that in every case in which any such agreement for giving land shall be so entered into, the commissioners shall satisfy themselves, in such way and by such evidence as they shall see fit, of the title to the land proposed thereby to be given in exchange for such tithes or rent-charge, and that the same are of the description and value set forth in such agreement, and that such agreement is conformable in every respect to the provisions herein-before contained respecting the same; and the expence attending every such agreement for giving land, and the confirmation thereof, and of investigating the title to the land, shall be borne by the owners of land liable to the payment of tithes within the parish, in such proportions as they may agree, or, in default of agreement, as the commissioners may direct.

Commissioners  
to satisfy them-  
selves of the  
title of such  
land, &c.

XXXI. AND be it enacted, that such agreement for giving land, confirmed by the said commissioners, shall operate as a conveyance of such land to the owner of such tithes or rent-charge, and the land so conveyed shall thereupon vest in and be and be deemed to be holder by such person or persons, and upon the like uses and trusts in every respect, as the tithes or rent-charge in commutation or exchange for which the same shall have been given shall be vested and holden; and for the purpose of making and completing any such agreement the provisions of this Act respecting persons under legal disability shall apply to every person party to such agreement or in whom any such land shall be vested, and whose concurrence or consent may be necessary to the perfecting thereof or of the title to such land, as fully as if the same had been here repeated and re-enacted.

Agreements  
for giving land  
to operate as  
conveyances.

Appointment  
of valuers.

XXXII. AND be it enacted, that at the said meeting or at some adjournment thereof, or at some other parochial meeting to be called in like manner, either before or after the confirmation of the agreement, the owners of lands subject to tithes in the said parish, or their agents, present at the meeting, may appoint a valuer or valuers; and in case the majority in respect of number and the majority in respect of interest shall not agree upon the appointment, then they shall appoint two or such other even number of valuers as shall be then agreed on by such land owners, half of such number to be chosen by a majority in respect of number, and the other half by a majority in respect of interest, of such land owners then present.

Valuers to  
apportion the  
rent-charge  
and expences.

XXXIII. AND be it enacted, that as soon as may be after the choosing of such valuer or valuers, and after the confirmation of the said agreement, the valuer or valuers so chosen shall apportion the total sum agreed to be paid by way of rent-charge instead of tithes, and the expences of the apportionment amongst the several lands in the said parish, according to such principles of apportionment as shall be agreed upon at the meeting at which the valuer or valuers shall be chosen, or if no principles shall be then agreed upon for the guidance of the valuer or valuers, then, having regard to the average titheable produce and productive quality of the lands, according to his or their discretion and judgment, but subject in each case to the provisions herein-after contained, and so that in each case the several lands shall have the full benefit of every modus and composition real, prescriptive and customary payment, and of every exemption from or non-liability to tithes relating to the said lands respectively, and having regard to the several tithes to which the said lands are severally liable; provided that it shall be lawful for the said valuers, when an even number is chosen, by any writing under their hands, to appoint an umpire before they proceed upon the business of such apportionment, and the decision of the umpire on the questions in difference between the valuers shall be binding on them, and shall be adopted by them in the apportionment.

Valuers may  
appoint an  
umpire.

Valuers and  
umpire may  
enter on lands  
for the pur-  
pose of valuing  
tithes.

Valuers, &c.  
shall make a  
declaration  
before acting.

XXXIV. AND be it enacted, that the said valuers and umpire (if it shall become necessary for him to act), and their agents or servants, at all reasonable times, may enter upon any of the lands to be included in the apportionment, and make an admeasurement, plan, and valuation of the same, without being subject to any action or molestation for so doing: Provided always, that no valuer or umpire shall be capable of acting until he shall have made and subscribed before the said commissioners, or some assistant commissioner or justice of the peace, a solemn declaration to the same purport and effect as the oath herein-before directed to be made by the said commissioners, substituting only the proper description of such person instead of the word commissioner, and adding to his signature the usual place of his residence, which declaration it shall be lawful for the said commissioners, or any assistant commissioner or justice, to administer; and every such declaration so made and subscribed shall be countersigned by the person before whom the same shall have been made, and shall be sent by him to the office of the commissioners.

Old plans and  
surveys may be  
used if the  
valuers, &c.  
think proper.

XXXV. AND be it enacted, that the valuer or valuers or umpire may, if they think fit, use for the purposes of this Act any admeasurement, plan, or valuation previously made of the lands or tithes in question, of the accuracy of which they shall be satisfied; and that it shall be lawful for the meeting at

which such valuer or valuers shall be chosen to agree upon the adoption for the purposes aforesaid of any such admeasurement, plan, or valuation, and such agreement shall be binding upon the valuer or valuers; provided always, that three fourths of the land owners in number and value shall concur therein.

XXXVI. AND be it enacted, that after the first day of October one thousand eight hundred and thirty-eight the commissioners shall proceed in manner herein-after mentioned, at such time and in such order as to them shall seem fit, either by themselves or by some assistant commissioner, to ascertain and award the total sum to be paid by way of rent-charge instead of the tithes of every parish in England and Wales in which no such agreement binding upon the whole parish as aforesaid shall have been made and confirmed as aforesaid: Provided nevertheless, that if any proceeding shall be had towards making and executing any such agreement after the commissioners shall have given or caused to be given notice of their intention to act as aforesaid in such parish, the commissioners may refrain from acting upon such notice, if they shall think fit, until the result of such proceeding shall appear.

XXXVII. AND be it enacted, that in every case in which the commissioners shall intend making such award, notice thereof shall be given in such manner as to them shall seem fit; and after the expiration of twenty-one days after such notice shall have been given, the commissioners or some assistant commissioner shall, except in the cases for which provision is herein-after made, proceed to ascertain the clear average value (after making all just deductions on account of the expences of collecting, preparing for sale, and marketing, where such tithes have been taken in kind,) of the tithes of the said parish, according to the average of seven years preceding Christmas in the year one thousand eight hundred and thirty-five: Provided that if during the said period of seven years, or any part thereof, the said tithes or any part thereof shall have been compounded for or demised to the owner or occupier of any of the said lands in consideration of any rent or payment instead of tithes, the amount of such composition or rent or sum agreed to be paid instead of tithes shall be taken as the clear value of the tithes included in such composition, demise, or agreement, during the time for which the same shall have been made; and the commissioners or assistant commissioner shall award the average annual value of the said seven years so ascertained as the sum to be taken for calculating the rent-charge to be paid as a permanent commutation of the said tithes: Provided also, that whenever it shall appear to the commissioners that the party entitled to any such rent or composition shall in any one or more of the said seven years have allowed and made any abatement from the amount of such rent or composition on the ground of the same having in any such year or years been higher than the sum fairly payable by way of composition for the tithe, but not otherwise, then and in every such case such diminished amount, after making such abatement as aforesaid, shall be deemed and taken to have been the sum agreed to be paid for any such year or years: Provided also, that in estimating the value of the said tithes the commissioners or assistant commissioner shall estimate the same without making any deduction therefrom on account of any parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable; and when-

After 1st Oct. 1838, commissioners may ascertain total value of tithes in any parish in which no binding agreement has been made.

Value of tithes to be calculated by commissioners upon an average of seven years preceding Christmas, 1835.

Tithes to be valued without deduction on account of parliamentary, parochial, and county rates, &c.

ever the said tithes shall have been demised or compounded for on the principle of the rent or composition being paid free from all such rates, charges, and assessments, or any part thereof, the said commissioners or assistant commissioner shall have regard to that circumstance, and shall make such an addition on account thereof as shall be an equivalent.

Commissioners  
in certain cases  
may increase  
or diminish the  
sum to be paid  
for commuta-  
tion.

XXXVIII. PROVIDED always, and be it enacted, that in case notice in writing under the hand of any patron, or the hands of any land owners or tithe owners, whose interest in the lands or tithes of the parish shall not be less than one half of the lands subject to tithes, one half of the great tithes or one half of the small tithes of the parish, shall be given to the commissioners or assistant commissioner acting in that behalf within one calendar month next after the notice of the intention to make an award shall have been given as aforesaid, that the average value to be ascertained as aforesaid will not fairly represent the sum which ought to be taken for calculating a permanent commutation of the great or small tithes of the said parish, the commissioners shall have power to diminish or increase the sum to be so taken by a sum amounting to not more than one fifth part of the average value ascertained as aforesaid: Provided always, that every case which shall appear to the commissioners to be fraudulent or collusive, or which, by reason of the length of time which shall have elapsed since the making of any composition then in force, or which by reason of the peculiar interest in the lands or tithes of either of the parties to any composition, or by reason or any other special circumstances, ought in the judgment of the commissioners to be separately adjudicated upon, shall be reserved for separate adjudication as herein-after provided; and the commissioners shall certify and report to one of his Majesty's principal secretaries of state, under their hands and seals, before the first day of May in the year one thousand eight hundred and thirty-eight, in what manner the discretion hereby vested in them ought in their judgment to be exercised, and shall in the said report lay down such rules for the guidance of the assistant commissioners as may to them seem expedient; and such report shall be laid before Parliament within six weeks after the same shall have been received or after the meeting of Parliament, and, unless Parliament shall otherwise provide, such rules shall be observed by the said commissioners and assistant commissioners in the exercise of the discretion hereby vested in the commissioners.

Commissioners  
to lay down  
rules for  
exercise of  
discretion, &c.

Commissioners  
to report cases  
reserved for  
separate adju-  
dication;

and to award  
rentcharge, &c.

XXXIX. AND be it enacted, that the commissioners shall from time to time report to one of his Majesty's principal secretaries of state, under their hands and seals, all the cases which, under the power herein-before reserved to them in that behalf, shall have been reserved for separate adjudication, and shall state in every such report the reasons for so reserving every case mentioned therein; and the commissioners shall in every such case award the rent-charge to be paid as a permanent commutation for tithes, having regard to the average rate which shall be awarded in respect of lands of the like description and similarly situated in the neighbouring parishes; provided always, that a draught of such intended award, with a copy of so much of the said report as is applicable to such award, shall be deposited in the parish; and the commissioners, or an assistant commissioner to be specially appointed by the commissioners for that purpose, shall hear and determine all objections

to the award in the like manner as is herein provided in an ordinary case of award, and the commissioners shall have power thereupon to amend the draught of the said award accordingly.

XL. AND be it enacted, that in case any of the lands in the parish shall be hop grounds, orchards, or gardens, and notice shall be given by the owner thereof to the commissioners or assistant commissioner acting in that behalf that the tithes thereof should be separately valued, the commissioners or assistant commissioner shall estimate the value of the tithes thereof according to the average rate of composition for the tithes of hops, fruit, and garden produce respectively during seven years preceding Christmas in the year one thousand eight hundred and thirty-five, within a district to be assigned in each case by the commissioners or assistant commissioner, and estimating the same as chargeable to all parliamentary, parochial, county, and other rates, charges, and assessments, to which the said tithes are liable, and shall add the value so estimated to the value of the other tithes of the parish ascertained as aforesaid.

How the tithe of hops, fruit, and garden produce is to be valued.

XLI. AND be it enacted, that in case any of the lands in the parish shall be coppices, and notice shall be given by the owner thereof, or by the owner of the tithes thereof, to the commissioners or assistant commissioner acting in that behalf, that the tithes thereof should be separately valued, the commissioners or assistant commissioner shall estimate the value of the tithes thereof with a due regard to the average value, estimated according to the best of their judgment, of coppice wood of the same kind cut during the said period of seven years in that parish and the neighbouring parishes, estimating the same as chargeable to all parliamentary, parochial, county, and other rates, charges, and assessments, to which the said tithes are liable, and shall add the clear value of the tithes so estimated to the value of the other tithes of the parish ascertained as aforesaid; and the commissioners shall, in the report which they are herein-before required to make to one of his Majesty's principal secretaries of state before the first day of May in the year one thousand eight hundred and thirty-eight, lay down rules for the guidance of the assistant commissioners in estimating the value of the tithes of coppice wood; and, unless Parliament shall otherwise provide, such rules shall be observed by the said commissioners and assistant commissioners.

How the tithe of coppice wood is to be valued.

Commissioners to lay down rules with respect thereto.

XLII. AND be it enacted, that the amount which shall be charged by any such apportionment as herein-after provided upon any hop grounds or market gardens in any district so to be assigned, shall be distinguished into two parts, which shall be called the ordinary charge and the extraordinary charge; and the extraordinary charge shall be a rate per imperial acre, and so in proportion for less quantities of ground, according to the discretion of the valuers or commissioners or assistant commissioner by whom the apportionment shall be made as aforesaid; and all lands whereof the tithes shall have been commuted under this Act, and which shall cease to be cultivated as hop grounds or market gardens at any time after such commutation, shall be charged after the thirty-first day of December next following such change of cultivation only with the ordinary charge upon such lands; and all lands in any such district the tithes whereof shall have been commuted under this Act, and which shall be newly cultivated as hop grounds or market gardens at any time after such commutation, shall be charged with an additional amount of

Provision for the change of culture of hop grounds and market gardens, &c.

rent-charge per imperial acre, equal to the extraordinary charge per acre upon hop grounds or market gardens respectively in that district; provided always, that no such additional amount shall be charged or payable during the first year, and half only of such additional amount during the second year, of such new cultivation; and an additional rent-charge by way of extraordinary charge upon hop grounds and market gardens, newly cultivated as such beyond the limits of every district in which any extraordinary charge for hop grounds or market gardens respectively shall have been distinguished as aforesaid at the time of the commutation, shall be charged by the commissioners at the time of such new cultivation, upon the request of any person interested therein, if such new cultivation shall have taken place during the continuance of the commission of the said commissioners, and after the expiration of the commission shall be charged in such manner and by such authority as Parliament shall direct, and shall be payable and recoverable in like manner and subject to the same incidents in all respects as an extraordinary charge charged upon any hop grounds or market gardens at the time of commutation.

Provision for valuing tithes of lands to which the average of seven years cannot apply.

XLIII. AND be it enacted, that in case any of the lands in the parish shall, during any part of the said period of seven years preceding Christmas in the year one thousand eight hundred and thirty-five, have been exempted from payment of tithes by reason of having been inclosed under any Act of Parliament or converted from barren heath or waste ground, or by reason of being glebe lands or of having been heretofore parcel of the possessions of any privileged order, and notice shall have been given as last aforesaid to the commissioners or assistant commissioner acting in that behalf that the tithes thereof should be separately valued, the commissioners or assistant commissioner shall estimate the value of the tithes thereof according to the average value which shall be ascertained as aforesaid in respect of lands of the like description and quality in that parish and the neighbouring parishes, or as near thereto as the circumstances of each case may in their judgment require, and estimating the same as chargeable to all parliamentary, parochial, county, and other rates, charges, and assessments, to which the said tithes are liable, and shall add the value so estimated to the value of the other tithes of the parish ascertained as aforesaid.

Moduses, &c. how to be allowed for in the award.

XLIV. AND be it enacted, that if any modus or composition real, or prescriptive or customary payment, shall be payable instead of the tithes of any of the lands or produce thereof in the said parish, the commissioners or assistant commissioner shall in such case estimate the amount of such modus, composition, or payment, as the value of the tithes payable in respect of such lands or produce respectively, and shall add the amount thereof to the value of the other tithes of the parish ascertained as aforesaid, and shall also make due allowance for all exemptions from or non-liability to tithes of any lands or any part of the produce of such lands: Provided also, that if it shall appear to the said commissioners or assistant commissioner that any question concerning any modus or composition real, prescriptive or customary payment, or claim of exemption from or non-liability to the payment of tithes relating to the lands in question, shall have been decided by competent authority before the making of the said award, the commissioners or assistant commissioners shall act on the principle established by such decision, and shall make their award as if

such decision had been made at the beginning of the said period of seven years.

**XLV.** AND be it enacted, that if any suit shall be pending touching the right to any tithes, or if there shall be any question as to the existence of any modus or composition real, or prescriptive or customary payment, or any claim of exemption from or non-liability under any circumstances to the payment of any tithes in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making of any such award by the commissioners or assistant commissioner shall be hindered, it shall be lawful for the commissioners or assistant commissioner to appoint a time and place in or near the parish for hearing and determining the same; and the decision of the commissioners or assistant commissioner shall be final and conclusive on all persons, subject to the provisions herein-after contained.

Commissioners may hear and determine disputes;

**XLVI.** PROVIDED always, and be it enacted, that any person claiming to be interested in any lands or in the tithes thereof, who shall be dissatisfied with any such decision of the commissioners or assistant commissioner, may, if the yearly value of the payment to be made or withholden according to such decision shall exceed the sum of twenty pounds, cause an action to be brought in any of his Majesty's courts of law at Westminster against the person in whose favour such decision shall have been made, within three calendar months next after such decision shall have been notified in writing, in such manner as the commissioners or assistant commissioner shall direct, to the parties interested therein or to their known agents; in which action the plaintiff shall deliver a feigned issue, whereby such disputed right may be tried, and shall proceed to a trial at law of such issue at the sittings after the term or at the assizes then next or next but one after such action shall have been commenced to be holden for the county within which such lands or the greater part thereof are situated, with liberty nevertheless for the court in which the same shall have been commenced or any judge of his Majesty's courts of law at Westminster to extend the time for going to trial therein, or to direct the trial to be in another county, if it shall seem fit to such court or judge so to do; and every defendant in any such action shall enter an appearance thereto, and accept such issue; but in case the parties shall differ as to the form of such issue, or in case the defendant shall fail to enter such appearance or accept such issue, then the same shall be settled under the direction of the court in which the action shall be brought, or by any judge of his Majesty's courts of law at Westminster, and the plaintiff may proceed thereon in like manner as if the defendant had appeared and accepted such issue; and the parties in such action shall produce to each other and their respective attornies or counsel at such time and place as any judge may order before trial, and also to the court and jury upon the trial of any such issue, all books, deeds, papers, and writings, terriers, maps, plans, and surveys relating to the matters in issue, in their respective custody or power; and it shall be lawful for the judge by whom any such action shall be tried, if he shall think fit, to direct the jury to find a verdict, subject to the opinion of the court upon a special case; and the verdict which shall be given in any such action, or the judgment of the court upon the case subject to which the same may be given, shall be final and binding upon all parties thereto, unless the court wherein such action shall be

subject to appeal by an action and issue at law;.



or by taking  
the opinion of  
a court of law  
thereon.

brought shall set aside such verdict and order a new trial to be had therein which it shall be lawful for the said court to do, if it shall see fit: Provided also, that in case any such decision shall involve a question of law only, and the parties in difference shall be agreed upon the facts relating thereto, and whereon such decision shall have been founded, the said commissioners or assistant commissioner, at the request of the person dissatisfied, (such request to be made in writing within three calendar months after such decision, and at least fourteen days previous notice in writing of such request to be given in like manner to the other parties in difference or to their known agents,) shall direct a case to be stated for the opinion of such one of his Majesty's courts of law at Westminster as the commissioners or assistant commissioner shall think fit; which case shall be settled by them or him or under their or his direction in case the parties differ about the same, and may be set down for argument and be brought before the court in like manner as other cases are brought before the court; and the decision of such court upon every case so brought before it shall be binding upon all parties concerned therein: Provided always that after such verdict given and not set aside by the court, or after such decision of the court, the said commissioners or assistant commissioner shall be bound by such verdict or decision; and the costs of every such action, or of stating such case and obtaining a decision thereon, shall be in the discretion of the court in or by which the same shall be decided, which may order the same to be taxed by the proper officer of the court; and the like execution may be had for the same, as if such costs had been recovered upon a judgment of record of the said court.

Proceedings  
not to abate  
by death of  
parties.

XLVII. AND be it enacted, that no proceeding of or before the commissioners or any assistant commissioner, or in any action, or in any case stated or reference in pursuance of this Act, shall abate or cease by reason of the death of any person interested therein.

Provision in  
case of death,  
before action  
brought, of any  
person in whose  
favour commis-  
sioners have  
decided.

XLVIII. AND be it enacted, that if any person, in whose favour any such decision of the commissioners or any assistant commissioner shall have been made, shall die before any such action shall have been brought or case stated, and before the expiration of the time herein-before limited for that purpose, it shall be lawful for every person who might have brought such action or have had such case stated against the person so dying, to bring or have the same, within the time so limited as aforesaid, nominally against such person as if living, and to serve the said commissioners or assistant commissioner with process and notices relating thereto, in the same manner as the person deceased might have been served therewith if living; and it shall be lawful for every person entitled to the benefit of such decision as aforesaid, or, in case of any such person being a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband, or attorney respectively, or in default thereof such person as may be nominated for that purpose by the commissioners, and whom they are hereby empowered to nominate under their hands and seal, to appear and defend such action or argue such case; and proceedings shall be had therein in the same manner, and the rights of all persons shall be equally bound and concluded by the event of such action or the decision upon such case, as if such person had been living; and the costs of every such action or case shall be in the discretion of the court as aforesaid.

**XLIX.** PROVIDED always, and be it enacted, that nothing in this Act contained shall revive any right to tithes which now is or hereafter shall be barred by any law in force for shortening the time required in claims of modus decimandi or exemption from or discharge from tithes, or for the limitation of actions and suits relating to real property.

Right to tithes barred by statutes of prescription or limitation not to be revived by this Act.

**L.** AND be it enacted, that as soon as all such suits and differences shall have been decided, or, if there shall have been no suits or differences, then as soon as the commissioners or assistant commissioner shall have ascertained and estimated as aforesaid the total value of all the tithes of the said parish, the commissioners or assistant commissioner shall frame the draft of an award, declaring that the sum ascertained as aforesaid shall be the amount of the rent-charge to be paid in respect of the tithes of the said parish, and every such draft shall contain all the particulars herein-before required to be inserted in any parochial agreement or any schedule thereto; provided always, that no such award shall be made for giving land instead of the tithes of the parish.

Commissioners to frame draft of an award fixing the rent-charge to be paid for the tithes of the parish.

No land to be given by such award.

**LI.** AND be it enacted, that as soon as the said draft shall have been made by the commissioners or assistant commissioner, they or he shall deposit a copy of the same and of any special report thereunto annexed at some convenient place within the said parish for the inspection of all persons interested in the said lands or tithes, and shall forthwith give notice in such manner as to the commissioners shall seem fit where the said copy may be inspected, and shall also in such notice appoint some convenient place and time (the first not earlier than twenty-one days from the first giving of such notice) for holding a meeting to hear objections to such intended award by any person interested therein; and the said commissioners or assistant commissioner at such meeting as aforesaid shall hear and determine any objections which may be then and there made to the said intended award, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the lands or tithes or any of them, and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed with regard to the original meeting; and when the said commissioners or assistant commissioner shall have heard and determined all such objections, they or he shall amend the draft of such award accordingly, if they or he shall see occasion.

Commissioners shall deposit draft of award for inspection, and shall hear and determine objections thereto, &c.

**LII.** AND be it enacted, that as soon as the commissioners or assistant commissioner shall have made such amendments in the draft of the award as to them or him shall seem necessary, they or he shall cause the same to be fairly written, and shall sign and send it to the office of the commissioners; and the commissioners shall satisfy themselves that all the proceedings incident to the making of such award have been duly performed, and, if they shall think that the award ought to be confirmed, shall confirm the same under their hands and seal, and shall add to the award the date of such confirmation, and shall publish the fact of such confirmation and the date thereof in the parish, in such manner as to them shall seem fit; and every such confirmed award shall be binding on all persons interested in the said lands or tithes.

Award to be confirmed by the commissioners.

Commissioners to summon a parochial meeting of landowners for appointment of valuers to apportion amount awarded.

LIII. AND be it enacted, that as soon as the commissioners shall have confirmed any such award, the commissioners or some assistant commissioner shall call a parochial meeting of the owners of land subject to tithes in the said parish, for the purpose of choosing valuers to apportion the amount so awarded among the lands of the parish, and shall give notice thereof in writing under their or his hand, to be fixed at least twenty-one days before such meeting on the principal outer door of the church or in some public and conspicuous place within the parish; and valuers or a single valuer may be chosen at such meeting by the land owners then present in like manner, and the valuers so chosen shall act with the same powers, and be subject to the same provisions, as if the rent-charge so awarded had been agreed to at a parochial meeting of the land owners and tithe owners of the parish, and the valuers had been thereupon chosen as aforesaid.

If valuation not completed in six months commissioners to apportion.

LIV. AND be it enacted, that if, upon the expiration of six calendar months after the day of the date of the confirmation of any agreement or award, no valuer or valuers shall have been appointed, or the apportionment by such valuers or valuer shall not have been made and sent to the office of the commissioners as herein-after provided, it shall be lawful for the commissioners or some assistant commissioner to apportion the rent-charge previously agreed or awarded to be paid among the lands of the said parish, having regard to the average titheable produce and productive quality of the said lands, according to the discretion and judgment of the commissioners or assistant commissioner, but subject to the provisions herein-after contained, and so that the several lands may have the full benefit in each case of every modus, composition real, prescriptive and customary payment, and of every exemption from or non-liability to tithes relating to the said lands respectively, and having regard to the several tithes to which the said lands are severally liable.

Form of apportionment.

LV. AND be it enacted, that a draught of every apportionment shall be made, and shall set forth the agreement or award, as the case may be, upon which such apportionment is founded, and every schedule thereunto annexed; and the said draught, or some schedule thereunto annexed, whether made by or under the direction of the valuers or commissioners or assistant commissioners, shall state the name or description and the true or estimated quantity in statute measure of the several lands to be comprised in the apportionment, and shall set forth the names and description of the several proprietors and occupiers thereof, and whether the said several lands are then cultivated as arable, meadow, or 'pasture land, or as wood land, common land, or howsoever otherwise, and shall refer, by a number set against the description of such lands, to a map or plan to be drawn on paper or parchment, and the same number shall be marked on the representation of such lands in the said map or plan; and the draught of the apportionment shall also state the amount charged upon the said several lands, and to whom and in what right the same shall be respectively payable.

Comptroller of corn returns, &c. to publish annually the average price of corn during the preceding seven years.

LVI. AND be it enacted, that immediately after the passing of this Act, and also in the month of January in every year, the comptroller of corn returns for the time being, or such other person as may from time to time be in that behalf authorized by the privy council, shall cause an advertisement to be inserted in the London Gazette, stating what has been, during seven years ending on the Thursday next before Christmas Day then next preceding,

the average price of an imperial bushel of British wheat, barley, and oats, computed from the weekly averages of the corn returns.

LVII. AND be it enacted, that every rent-charge charged upon any lands by any such intended apportionment shall be deemed at the time of the confirmation of such apportionment, as herein-after provided, to be of the value of such number of imperial bushels and decimal parts of an imperial bushel of wheat, barley, and oats, as the same would have purchased at the prices so ascertained by the advertisement to be published immediately after the passing of this Act, in case one third part of such rent-charge had been invested in the purchase of wheat, one third part thereof in the purchase of barley, and the remaining third part thereof in the purchase of oats; and the respective quantities of wheat, barley, and oats so ascertained shall be stated in the draft of every apportionment.

Rent-charges to be deemed of the value of such number of bushels of corn, as the same would have purchased at the average price ascertained first after the passing of this Act.

LVIII. AND be it enacted, that it shall be lawful for the valuers or commissioners or any assistant commissioner, upon the request of any land owner, at any time before the confirmation of the apportionment, to apportion the whole rent-charge intended to be charged upon any lands of such land owner held under the same title and for the same estate, in the same parish, specially upon the several closes or portions of such lands, or according to an acreable rate or acreable rates upon lands of different quality, in such manner and in such proportion, and to the exclusion of such of them, as the land owner, with the consent of the person entitled to such rent-charge, may direct, and the particulars of every such special apportionment shall be included in the draught of the apportionment, and taken to be a part thereof: Provided always, that the extra expences of every such special apportionment shall be borne by the party at whose instance the same shall have been made, and shall be recoverable as other costs of the apportionment are recoverable; and that no close of land shall be charged with any rent-charge or share of rent-charge on account of the tithes of any other lands, unless the value of such lands shall be at least three times the value of the whole rent-charge upon such lands.

Rent-charge may be specially apportioned upon several lands of the same owner, &c.

LIX. AND be it enacted, that for the purpose of making any such apportionment, as well as for the purpose of making any award as herein-before provided, the commissioners and assistant commissioners may employ such land surveyors and tithe valuers as to them shall seem fit, and may order them to be paid for valuing, surveying, mapping, and planning, after any rate not exceeding two guineas to every such person for every day that he shall have been so employed, and may assess the same as part of the expences of making their award or apportionment respectively; and the said commissioners and assistant commissioners, and the land surveyors and tithe valuers employed by them respectively, shall have all the powers and be subject to all the provisions herein-before enacted concerning the valuers appointed at a parochial meeting, except that they shall not be bound to adopt any principles of apportionment agreed to at any parochial meeting: Provided always, that it shall be lawful for such commissioners and assistant commissioners to make any agreement with any such land surveyors or tithe valuers for the payment to the same of one sum for the whole duty or any part thereof to be performed by them respectively.

Commissioners may employ surveyors, &c.

Commissioners, &c. to have the powers &c. herein-before given to valuers.

Apportionment  
to be signed by  
the person  
making it,  
and sent with  
the plan to the  
commissioners.

LX. AND be it enacted, that the draught of every apportionment, whether made by or under the direction of the commissioners or any assistant commissioner, or by any valuer or valuers appointed as herein-before is provided, shall be signed by the person by or under whose direction it shall have been made, and shall be sent, together with the map or plan therein referred to, by the person by whom it is signed, to the office of the commissioners, or otherwise to some assistant commissioner, as the commissioners may direct, with such proof as the commissioners may require that every proceeding incident to the making of such draught of apportionment has been duly performed.

Commissioners  
shall deposit  
draught of  
apportionment  
for inspection,  
and shall hear  
and determine  
objections  
thereto, &c.

LXI. AND be it enacted, that as soon as the draught of any such apportionment, verified as aforesaid, shall have been sent to the commissioners, they shall cause a copy of the same to be deposited at some convenient place within the said parish for the inspection of all persons interested in the said lands or tithes, and shall forthwith cause notice to be given, in such manner as to them shall seem fit, where the said copy may be inspected, and shall also in such notice appoint some convenient place and such times as they shall think necessary (the first not earlier than twenty-one days from the first giving of such notice), for holding a meeting to hear objections to the intended apportionment by any person interested therein; and the said commissioners or some assistant commissioner at such meeting as aforesaid shall hear and determine any objections which may be then and there made to the said intended apportionment, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the lands or any of them, and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed with regard to the original meeting; and when the said commissioners or assistant commissioner shall have heard and determined all such objections, they and he are and is hereby required to cause such apportionment to be amended accordingly if they or he shall see occasion.

Owners of  
lands charge-  
able with rent-  
charge may  
give land  
instead thereof.

LXII. AND be it enacted, that it shall be lawful for the owner of any lands chargeable with any such rent-charge to agree, at any time before the confirmation of any such instrument of apportionment, with any ecclesiastical person being the owner of the tithes thereof in right of any spiritual benefice or dignity, for giving land instead of the rent-charge charged or about to be charged upon his lands; and every such agreement shall be made under the hands and seals of the land owner and tithe owner, and shall contain all the particulars herein-before required to be inserted in a parochial agreement for giving land instead of tithes or rent-charge: Provided always, that no such tithe owner shall be enabled to take or hold more than twenty imperial acres of land in the whole by virtue of any such agreement or agreements made in the same parish; and the same consent and confirmation relatively to the lands and tithes comprised in the said agreement shall be necessary to any such agreement as in the case of a parochial agreement for giving land instead of tithes; and all the provisions herein-before contained concerning a parochial agreement for giving land shall be applicable to every such agreement as herein-before last mentioned, so far as concerns the lands and tithes com-

prised in the said agreement : Provided also, that any amendment which shall be made in the draft of apportionment before confirmation thereof, and subsequent to any such agreement for giving land instead of rent-charge, whereby the charge upon the lands referred to in such agreement shall be altered, shall be taken to annul the execution of such agreement for giving land, and any consent which may have been necessary thereunto.

LXIII. AND be it enacted, that after such proceedings as aforesaid shall have been had, and all such objections, if any, shall have been finally disposed of, the commissioners or assistant commissioner shall cause the instrument of apportionment to be ingrossed on parchment, and shall annex the map or plan thereunto belonging to the ingrossed instrument of apportionment, and shall sign the instrument of apportionment and the map or plan, and shall send both to the office of the commissioners ; and if the commissioners shall approve the apportionment, they shall confirm the instrument of apportionment under their hands and seal, and shall add thereunto the date of such confirmation.

Confirmation of apportionment by the commissioners.

LXIV. AND be it enacted, that two copies of every confirmed instrument of apportionment, and of every confirmed agreement for giving land instead of any tithes or rent-charge, shall be made and sealed with the seal of the said commissioners ; and one such copy shall be deposited in the registry of the diocese within which the parish is situated, to be there kept among the records of the said registry, and the other copy shall be deposited with the incumbent and church or chapel wardens of the parish for the time being, or such other fit persons as the commissioners shall approve, to be kept by them and their successors in office with the public books, writings, and papers of the parish ; and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy on giving reasonable notice to the person having custody of the same, and on payment of two shillings and sixpence for such inspection, and after the rate of three-pence for every seventy-two words contained in such copy or extract ; and every recital or statement in or map or plan annexed to such confirmed apportionment or agreement for giving land, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such plan.

Transcripts of apportionments, &c. to be sent to the registrar of the diocese and to the incumbent and churchwardens.

Recitals in apportionments, &c. to be evidence.

LXV. AND be it enacted, that the commissioners, if they shall see fit, before confirming any agreement, award, or apportionment, may require notice thereof to be given, in such manner as they shall direct, to the person next in remainder, reversion, or expectancy of an estate of inheritance in any lands or tithes, or any other person to whom they may think notice ought to be given, and may by themselves or by some assistant commissioner hear and determine any objection made to such confirmation by any person interested therein, and may direct any award or apportionment to be amended accordingly.

Commissioners may require notice of agreements, &c. to be given to reversioner, &c.

LXVI. AND be it enacted, that no confirmed agreement, award, or apportionment shall be impeached after the confirmation thereof by reason of any mistake or informality therein or in any proceeding relating thereunto.

Agreements, &c. not to be questioned after confirmation.

LXVII. AND be it enacted, that from the first day of January next following the confirmation of every such apportionment the lands of the said parish shall be absolutely discharged from the payment of all tithes, except so far as relates to the liability of any tenant at rack rent dissenting as herein-after

After confirmation of apportionment, lands to be discharged from tithes,

and rent-charge  
paid in lieu  
thereof.

provided; and instead thereof there shall be payable thenceforth to the person in that behalf mentioned in the said apportionment a sum of money equal in value, according to the prices ascertained by the then next preceding advertisement, to the quantity of wheat, barley, and oats respectively mentioned therein to be payable instead of the said tithes, in the nature of a rent-charge issuing out of the lands charged therewith; and such yearly sum shall be payable by two equal half-yearly payments on the first day of July and the first day of January in every year, the first payment, except in the case of barren reclaimed lands, as herein-after provided, being on the first day of July next after the lands shall have been discharged from tithes as aforesaid; and such rent-charge may be recovered at the suit of the person entitled thereto, his executors or administrators, by distress and entry as herein-after mentioned; and after every first day of January the sum of money thenceforth payable in respect of such rent-charge shall vary so as always to consist of the price of the same number of bushels and decimal parts of a bushel of wheat, barley, and oats respectively, according to the prices ascertained by the then next preceding advertisement, and any person entitled from time to time to any such varied rent-charge shall have the same powers for enforcing payment thereof as are herein contained concerning the original rent-charge: Provided always, that nothing herein contained shall be taken to render any person whomsoever personally liable to the payment of any such rent-charge: Provided always, that the rent-charge which shall be apportioned upon any lands in the said parish which, during any part of the said period of seven years preceding Christmas one thousand eight hundred and thirty-five, were exempted from tithes by reason of having been inclosed under any Act of Parliament, or converted from barren heath or waste ground, shall be payable for the first time on the first day of July or first day of January next following the confirmation of the apportionment which shall be nearest to the time at which tithes were or would have become payable for the first time in respect of the said lands, if no commutation thereof had taken place.

Payment of  
rent-charge on  
reclaimed  
lands to be  
postponed  
until tithes  
would have  
been due.

Lands to be  
free from  
tithes when  
lands are  
given in lieu  
thereof.

LXVIII. AND be it enacted, that, from the first day of January next following the confirmation of every parochial or other agreement for giving land instead of any tithes or rent-charge, the lands of the parish in which any such agreement shall be made shall be absolutely discharged from the payment of the tithes or rent-charge for which it shall have been agreed that such land shall be given.

Rent-charge to  
be liable to  
parochial and  
county rates.

LXIX. AND be it enacted, that every rent-charge payable as aforesaid instead of tithes shall be subject to all parliamentary, parochial, and county and other rates, charges, and assessments, in like manner as the tithes commuted for such rent-charge have heretofore been subject.

How rates and  
charges are to  
be recovered.

LXX. AND be it enacted, that all rates and charges, to which any such rent-charge is liable, shall be assessed upon the occupier of the lands out of which such rent-charge shall issue, and, in case the same shall not be sooner paid by the owner of the rent-charge for the time being, may be recovered from such occupier in like manner as any poor rate assessed on him in respect of such lands; and any occupier holding such lands under any landlord, and who shall have paid any such rate or charge in respect of any such rent-charge, shall be entitled to deduct the amount thereof from the rent next payable by him to his landlord for the time being, and shall be allowed the same in

account with his landlord; and any landlord or owner in possession who shall have paid any such rate or charge, or from whose rent the amount of any such rate or charge in respect of any such rent-charge shall have been so deducted, or who shall have allowed the same in account with any tenant paying the same, shall be entitled to deduct the amount thereof from the rent-charge, or by all other lawful ways and means to recover the same from the owner of the rent-charge, his executors and administrators; provided that the owner of every such rent-charge shall have and be entitled to the like right of demanding, inspecting, and taking copies of every assessment containing such rate or charge, and of appeal against the same, and the like power of prosecuting such appeal, and the like remedies in respect thereof, as any occupier or rate-payer has or may have in the case of poor rates, although such rate or charge is herein made assessable upon the occupier, and the owner of the rent-charge is not mentioned by name in such assessment.

LXXI. AND be it enacted, that any person having any interest in or claim to any tithes, or to any charge or incumbrance upon any tithes, before the passing of this Act, shall have the same right to or claim upon the rent-charge for which the same shall be commuted, as he had to or upon the tithes, and shall be entitled to have the like remedies for recovering the same as if his right or claim to or upon the rent-charge had accrued after the commutation; provided that nothing herein contained shall give validity to any mortgage or other incumbrance which before the passing of this Act was invalid or could not be enforced; and every estate for life, or other greater estate, in any such rent-charge, shall be taken to be an estate of freehold; and every estate in any such rent-charge shall be subject to the same liabilities and incidents as the like estate in the tithes commuted for such rent-charge; and where any lands were exempted from tithe whilst in the occupation of the owner thereof by reason of being glebe or of having been heretofore parcel of the possessions of any privileged order, the same lands shall be in like manner exempted from the payment of the rent-charge apportioned on them whilst in the occupation of the owner thereof; and where by virtue of any Act or Acts of Parliament heretofore passed any tithes are authorized to be sold, exchanged, appropriated, or applied in any way, the rent-charges for which such tithes may be commuted under the provisions of this Act, or any part thereof, shall or may be saleable or exchangeable, appropriated and applied, to all intents and purposes in like manner as such tithes, and the same powers of sale, exchange, and appropriation shall in all such cases extend to and may be exercised in respect of the said commutation rent-charges; and the money to arise by the sale of such rent-charges shall or may be invested, appropriated, and applied to the same purposes and in like manner as the money to arise by the sale of any such tithes might have been invested, appropriated, and applied under such particular Act or Acts, in case this Act had not been passed; and no such rent-charge shall merge or be extinguished in any estate of which the person for the time being entitled to such rent-charge may be seised or possessed in the lands on which the same shall be charged: Provided always, that it shall be lawful for any person seised in possession of an estate in fee simple or fee tail of any tithes or rent-charge in lieu of tithes, by any deed or declaration under his hand and seal, to be made in such form as the said commissioners shall approve, and to be con-

Rent-charge to be subject to the same incumbrances and incidents as tithes before this Act, &c.

Rent-charge not to merge except by express declaration, &c.



firmed under their seal, to release, assign, or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the lands on which the same shall have been charged.

Apportionment may be altered by commissioners of land tax, if desired.

LXXII. AND be it enacted, that if at any time subsequent to the confirmation of any such instrument of apportionment the owner of any lands charged with any such rent-charge shall be desirous that the apportionment thereof shall be altered, it shall be lawful for the commissioners of land tax for the county or place where the said lands are situate, or any three of them, to alter the apportionment in such manner and in such proportion and to the exclusion of such of the lands as the land owner, with the consent of two justices of the peace acting for the county, riding, division, or other jurisdiction in which the lands are situated, may direct; and such altered apportionment shall be made by an instrument in writing under the hands and seals of the said commissioners of land tax and of the said land owner and justices, of the like form and tenor as to the said lands as the original apportionment, and bearing date the day of its execution by the said commissioners of land tax, subject to the provision herein-before contained with respect to the value of lands on which any rent-charge may be charged on account of the tithes of any other lands; and every such altered apportionment shall be as valid as if made and confirmed by the tithe commissioners as aforesaid, and shall be taken to be an amendment of the original apportionment; and in every such case two counterparts of the instrument of altered apportionment, under the hands and seals of the said commissioners of land tax and justices and land owner, shall be sent, one to the registrar of the diocese, and one to the incumbent and church or chapel wardens, or other person having the custody of the other copy of the original instrument of apportionment; and one counterpart shall be annexed to the copy of the instrument of apportionment in the custody of the registrar and such other person respectively, and taken to be an amendment thereof; and thenceforward such lands shall be charged only according to such altered apportionment; and all expences of such alteration shall be borne by the land owner desiring the same.

Expences of witnesses, &c. in proceedings under this Act to be paid under the direction of the commissioners.

LXXIII. AND be it enacted, that the commissioners or assistant commissioner, in any case where they or he may see fit, may order such expences of witnesses, and of the production of any books, deeds, contracts, agreements, accounts, or writings, terriers, maps, plans, and surveys, or copies thereof, and all other expences (except the salary or allowance to any commissioner or assistant commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection to any award or apportionment before the said commissioners or any assistant commissioner, to be paid by such parties interested in the production thereof respectively or in the event of such suit, difference, or objection, and in such proportions, as the commissioners or assistant commissioner shall think fit and reasonable.

Expences of making any award to be paid by the land owners and tithe owners as the commissioners may direct.

LXXIV. AND be it enacted, the allowances to and expences of land surveyors and tithe valuers necessary for making any award, and all other expences of or incident to making the said award, except the salary or allowance to any commissioner or assistant commissioner, and except any expences which the commissioners or any assistant commissioner, or any court or arbitrator, may be authorized to order and may have ordered to be otherwise paid, shall be borne and pay by the land owners and tithe owners interested in

the said award, in such proportion, time, and manner as the commissioners or assistant commissioner shall direct.

LXXV. AND be it enacted, that all the expences of or incident to making any apportionment (except the salary or allowance to any commissioner or assistant commissioner, and except any expence which the commissioners or assistant commissioner may be authorized and may have ordered to be otherwise paid,) shall be borne and paid by the owners of lands included in the apportionment in rateable proportion to the sum charged on the said lands in lieu of tithes by such apportionment.

Expences of apportionment to be borne rateably by the land owners.

LXXVI. AND be it enacted, that if any difference shall arise touching the said expences, or the share thereof to be paid by any person, it shall be lawful for the commissioners or some assistant commissioner to certify under their or his hand the amount to be paid by such person; and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any two justices of the peace for the county or other jurisdiction wherein the lands mentioned in the agreement or award or apportionment are situate, such justices, upon the nonpayment thereof, are hereby required, by warrant under their hands and seals, to cause the same and the costs of the distress to be levied by distress and sale of the goods of the person liable to pay the same, and to render the surplus (if any), after deducting the charges of the distress and sale, to the person distrained upon.

Expences shall, in case of difference, be certified by commissioners, and may be recovered by warrant of distress.

LXXVII. AND be it enacted, that every owner of an estate in land or tithes less in the whole than an immediate estate of fee simple or fee tail, or which shall be settled upon any uses or trusts, may, with the consent of the commissioners, and in such manner as they may direct, charge so much of the expences of commutation as is to be defrayed by him, or any part thereof and the interest thereon, after the rate of four pounds by the hundred, upon the lands whereof the tithes are commuted, or upon the rent-charge to be received by him instead of such tithes respectively, but so nevertheless that the charge upon such lands or rentcharge respectively shall be lessened in every year following such commutation by one twentieth part at least of the whole original charge thereon.

Owners of particular estates may charge expences on the lands for twenty years.

LXXVIII. AND be it enacted, that every ecclesiastical beneficed person who shall commute the tithes of his benefice under this Act, may advance or borrow the sum necessary to defray so much of the expences of commutation as is to be defrayed by him, or any part thereof, and as a security for repayment may charge or assign the rent-charge to be received instead of such tithes for twenty years, or until the principal sum advanced or borrowed, and the interest thereon after the rate of four pounds by the hundred, and the expences of such charge or assignment, shall be sooner paid; and every incumbent successively shall pay the interest of the sum advanced or borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within one calendar month next following, and also an instalment at the rate of five pounds for every hundred pounds of the principal sum advanced or borrowed, and in default of such payment the ordinary may sequester the profits of the benefice until such payments shall be made; provided that the sum to be so advanced or borrowed shall be ascertained and certified under the hand of any commissioner or assistant commissioner, and shall be by him stated to have been the amount of such expences

Expences of ecclesiastical tithe owners may be charged on the benefice for twenty years.

properly incurred by such ecclesiastical beneficed person in relation to such commutation.

If tenant of lands at rack rent dissent from paying the rent-charge, the landlord may take the tithes during the tenancy.

LXXIX. AND be it enacted, that any tenant or occupier, who at the time of such commutation shall occupy at rack rent any lands of which the tithes shall be so commuted, may, within one calendar month next after the confirmation of the apportionment by the commissioners, signify, by writing under his hand given to or left at the usual residence of his landlord or his agent, his dissent from being bound to pay any rent-charge apportioned and charged on the said lands as aforesaid, and in that case such landlord shall be entitled, from the time when the said apportionment shall take effect, and during the tenancy or occupation of such tenant or occupier, to stand, as to the perception and collection of tithes, or receipt of any composition instead thereof, in the place of the owner of the tithes so commuted, and to have all the powers and remedies for enforcing render and payment of such tithes or composition which the tithe owner would have had if the commutation had not taken place.

Tenant paying rent-charge to be allowed the same in account with his landlord.

LXXX. AND be it enacted, that any tenant or occupier at the time of such commutation who shall have signified his dissent from being bound to pay any such rent-charge as aforesaid, or who shall hold his lands under a lease or agreement providing that the same shall be holden and enjoyed by him free of tithes, and every tenant or occupier who shall occupy any lands by any lease or agreement made subsequently to such commutation, and who shall pay any such rent-charge, shall be entitled to deduct the amount thereof from the rent payable by him to his landlord, and shall be allowed the same in account with the said landlord.

When rent-charge is in arrear for twenty-one days after half-yearly days of payment, the person entitled thereto may distrain.

LXXXI. AND be it enacted, that in case the said rent-charge shall at any time be in arrear and unpaid for the space of twenty-one days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left ten days notice in writing at the usual or last known residence of the tenant in possession, to distrain upon the lands liable to the payment thereof, or on any part thereof, for all arrears of the said rent-charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto as any landlord may for arrears of rent reserved on a common lease for years; provided that not more than two years arrears shall at any time be recoverable by distress.

When rent-charges are in arrear for forty days after half-yearly days of payment, and no sufficient distress on the premises, writ to be issued directing sheriff to summon jury to assess arrears.

LXXXII. AND be it enacted, that in case the said rent-charge shall be in arrear and unpaid for the space of forty days next after any half-yearly day of payment, and there shall be no sufficient distress on the premises liable to the payment thereof, it shall be lawful for any judge of his Majesty's courts of record at Westminster, upon affidavit of the facts, to order a writ to be issued, directed to the sheriff of the county in which the lands chargeable with the rent-charge are situated, requiring the said sheriff to summon a jury to assess the arrears of rent-charge remaining unpaid, and to return the inquisition thereupon taken to some one of his Majesty's courts of law at Westminster, on a day therein to be named, either in term time or vacation; a copy of which writ, and notice of the time and place of executing the same, shall be given to the owner of the land, or left at his last known place of abode, or with his known agent, ten days previous to the execution thereof; and the sheriff is hereby required to execute such writ according to the exigency thereof; and

the costs of such inquisition shall be taxed by the proper officer of the court; and thereupon the owner of the rent-charge may sue out a writ of habere facias possessionem, directed to the sheriff, commanding him to cause the owner of the rent-charge to have possession of the lands chargeable therewith until the arrears of rent-charge found to be due, and the said costs, and also the costs of such writ and of executing the same, and of cultivating and keeping possession of the lands, shall be fully satisfied: Provided always, that not more than two years arrears over and above the time of such possession shall be at any time recoverable.

Owner of rent-charge may sue out writ of habere facias possessionem, &c.

LXXXIII. AND be it enacted, that it shall be lawful for the court out of which such writ shall have issued, or any judge at chambers, to order the owner of the rent-charge who shall be in possession by virtue of such writ from time to time to render an account of the rents and produce of the lands and of the receipts and payments in respect of the same, and to pay over the surplus (if any) to the person for the time being entitled thereunto, after satisfaction of such arrears of rent-charge and all costs and expences as aforesaid, and thereupon to order a writ of supersedeas to issue to the said writ of habere facias possessionem, and also by rule or order of such court or judge from time to time to give such summary relief to the parties as to the said court or judge shall seem fit.

Account of rents, &c. to be rendered by owner of rent-charge in possession, &c.

LXXXIV. PROVIDED always, and be it enacted, that in all cases in which it shall be necessary to make any distress under this Act in respect of any lands in the possession of any person of the persuasion of the people called Quakers, the same may be made upon the goods, chattels, or effects of such person, whether on the premises or elsewhere, but nevertheless to the same amount only and with the same consequences in all respects as if made on the premises; and that in all cases of distress under this Act upon persons of that persuasion the goods, chattels, or effects which may be distrained, shall be sold without its being necessary to impound or keep the same: Provided always, that no writ under the provision herein-before contained shall be issued for assessing or recovering any rent-charge payable under this Act in respect of any lands in the possession of any person of the persuasion aforesaid, unless the same shall be in arrear and unpaid for the space of forty days next after any half-yearly day of payment, without the person entitled thereto being able to find goods, chattels, or effects either on the premises or elsewhere liable to be distrained as aforesaid, sufficient to satisfy the arrears to which such lands are liable, together with the reasonable costs of such distress.

Recovery of rent-charges from Quakers.

LXXXV. AND be it enacted, that whenever any rent-charge payable under the provisions of this Act shall be in arrear, notwithstanding any apportionment which may have been made of any such rent-charge, every part of the land situate in the parish in which such rent-charge shall so be in arrear, and which shall be occupied by the same person who shall be the occupier of the lands on which such rent-charge so in arrear shall have been charged, whether such land shall be occupied by the person occupying the same as the owner thereof, or as tenant thereof, holding under the same landlord under whom he occupies the land on which such rent-charge so in arrear shall have been charged, shall be liable to be distrained upon or entered upon as aforesaid for the purpose of satisfying any arrears of such rent-charge, whether chargeable on the lands on which such distress is taken or such entry made, or upon any other part of the

Powers of distress and entry to extend to all lands within the parish occupied by the same person, whether as owner or as tenant under the same landlord.

lands so occupied or holden: Provided always, that no land shall be liable to be distrained or entered upon for the purpose of satisfying any such rent-charge charged upon lands which shall have been washed away by the sea, or other wise destroyed by any natural casualty.

Provisions of 4 & 5 Will. 4. c. 22. to extend to rent-charges under this Act.

LXXXVI. AND be it enacted, that the several provisions of an Act passed in the fourth and fifth years of his present Majesty, intituled "An Act to amend an Act of the eleventh year of King George the Second, respecting the apportionment of rents, annuities, and other periodical payments," shall extend to all rent-charges payable under this Act:

Power to sell, &c. buildings and the sites thereof rendered useless or unnecessary by the commutation of tithes, &c.

LXXXVII. AND be it enacted, that if any barns or buildings belonging to any tithe owner having a limited estate or interest therein, which shall have been generally used for the housing of tithes paid in kind, shall be rendered in the whole or in part useless by reason of any commutation of tithes under this Act, it shall be lawful for every such tithe owner (with the consent, nevertheless, of the commissioners, and subject to such directions as they may give, to be signified under their hands and seal,) to pull down any such barns or buildings or any part thereof, and to sell and dispose of the materials, or to sell and dispose of all or any of such barns or buildings, and the site thereof, and either with or without any farm buildings or homesteads thereunto belonging, in such manner as the commissioners may direct; and upon payment of the consideration money it shall be lawful for every such tithe owner (with such consent as aforesaid) to convey and deliver the premises sold as aforesaid to the purchaser thereof, or to such uses and in such manner as such purchaser shall direct; and the consideration money in each case shall be paid to such tithe owner, and his receipt shall be a good discharge to the purchaser; and such tithe owner shall lay out and invest the consideration money in such manner and for such trusts as the commissioners shall direct, for the benefit of the persons entitled to the said rent-charge.

Leases of tithes may be surrendered.

LXXXVIII. AND be it enacted, that it shall be lawful for the lessee being in occupation of any tithes commuted under this Act, by an instrument in writing under his hand and seal, to be made in such form as the commissioners shall direct, and confirmed under their seal, to surrender and make void the lease by which the said tithes are held or enjoyed by such lessee at the time of the commutation, so far as the same may relate to the said tithes; and it shall be lawful for the commissioners, by the same instrument, to direct what compensation (if any) shall be given by the immediate lessor of any lessee at rack rent so surrendering any lease of any such tithes to such lessee, and what allowance (if any) shall be made by any lessee to his immediate lessor of any such surrendered lease, in consideration of the non-fulfilment of any conditions contained in such lease, and what deduction (if any) shall be made from the rent thenceforth payable by any lessee to his immediate lessor in respect of other hereditaments which may have been included with the said tithes in any such lease: Provided always, that any intermediate lessor to whom any such lease shall have been surrendered shall as regards his immediate lessor be taken to be the lessee in occupation of the tithes included in the said lease.

Tithes due before commutation not to be affected.

LXXXIX. AND be it enacted, that nothing in this Act contained shall affect any right to any tithes which shall have become due before the commutation.

**XC.** AND be it enacted, that nothing in this Act contained, unless by special provision to be inserted in some parochial agreement and specially approved by the commissioners, in which case the same shall be valid, shall extend to any Easter offerings, mortuaries, or surplice fees, or to the tithes of fish or of fishing, or to any personal tithes other than the tithes of mills, or any mineral tithes, or to any payment instead of tithes arising or growing due within the city of London, or to any permanent rent-charge or other rent or payment in lieu of tithes, calculated according to any rate or proportion in the pound on the rent or value of any houses or lands in any city or town under any custom or private Act of Parliament, or to any lands or tenements the tithes whereof shall have been already perpetually commuted or extinguished under any Act of Parliament heretofore made.

Act not to extend to Easter offerings, &c. or to payments instead of tithes in London, or to permanent rent-charges by custom or Act of Parliament, &c.

**XCII.** AND be it enacted, that no advertisement inserted by direction of the commissioners or any assistant commissioner, or by any tithe owner or land owner, in the London Gazette, or in any newspaper, for the purpose of carrying into effect any provision of this Act, and no agreement, award, or power of attorney made or confirmed or used under this Act, shall be chargeable with any stamp duty.

Advertisements, contracts, and awards not to be liable to stamp duty.

\* \* \* \* \*

**XCIII.** AND be it enacted, that if any person under the provisions of this Act shall wilfully give false evidence, he shall be deemed guilty of perjury; and if any person shall make or subscribe a false affidavit or declaration for the purposes of this Act, he shall suffer the penalties of perjury; and if any person shall wilfully refuse to attend in obedience to any lawful summons of any commissioner or assistant commissioner, or to give evidence, or shall wilfully alter, withhold, destroy, or refuse to produce any book, deed, contract, agreement, account, or writing, terrier, map, plan, or survey, or any copy of the same, which may be lawfully required to be produced before the said commissioners or assistant commissioner, he shall be deemed guilty of a misdemeanor.

False evidence to be deemed perjury; and withholding evidence, &c. a misdemeanor.

**XCIV.** AND be it enacted, that no action or suit shall be commenced against any commissioner, assistant commissioner, justice of the peace, valuer, umpire, or surveyor, for any thing done under the authority of this Act, until twenty-one days notice thereof shall have been given in writing to the party against whom such action or suit is intended to be brought, or after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, or after three calendar months shall have expired from the commission of the act for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried in the county or place where the cause of action shall have arisen, and not in any other county or place; and if it shall appear that such notice of action or suit was brought before twenty-one days notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before limited in that behalf, or such action shall be laid in any county or place other than as aforesaid, then the jury shall find a verdict for the defendant therein, or the court, upon summary application by motion in any such suit, may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such suit shall be dismissed upon application as aforesaid, or if the plaintiff in such action or suit shall

Limitation, &c. of actions against commissioners, assistant commissioners, justices, &c.

become non-suit, or suffer a discontinuance of such action, or if upon any demurrer in such action or suit judgment shall be given for the defendant therein, then such defendant shall have costs, charges, and expences, as between attorney and client.

Proceedings under this Act not to be quashed for want of form, nor to be removed by certiorari, &c.

XCV. AND be it enacted, that no order, adjudication, or proceeding made or had by or before the commissioners or any assistant commissioner under the authority of this Act, or any proceeding to be had touching any offender against this Act, shall be quashed for want of form, or be removed or removable by certiorari, or any other writ or process, into any of his Majesty's courts of record at Westminster or elsewhere.

Extent of Act.

XCVI. AND be it enacted, that this Act shall extend only to England and Wales.

\* \* \* \* \*

## CHAPTER LXXIV.

AN ACT to abolish certain Offices connected with the Court of Chancery in Ireland, and to provide for the Performance of the Duties thereof.

[13th August 1836.]

**W**HEREAS it is expedient that the offices herein-after mentioned should be abolished, and provisions made for the due performance of the duties thereunto belonging, and that other offices connected with the said court should be regulated, and that such of the duties performed in the offices so to be abolished as are necessary to be continued should be transferred to other offices: Therefore be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in the present Parliament assembled, and by the authority of the same, that the office of clerk of the crown and hanaper in Ireland shall utterly cease from and after the determination of the existing interest of the present possessor of the said office; and that the offices of usher of the said Court of Chancery, of six clerks of the said court, and the office of cursitor of the said court, shall be and the same are hereby abolished [Rep., Stat. Law Rev. Act, 1874.] : . . . . .

Office of clerk of the crown and hanaper, and offices of usher, six clerks, and cursitor of Court of Chancery abolished.

Appointment of new clerk of crown and hanaper; his salary and duties.

II. AND be it further enacted, that upon such determination of the interest of the present possessor of the said office of clerk of the crown and hanaper it shall and may be lawful for his Majesty, his heirs and successors, under his and their royal sign manual, to nominate and appoint a fit person to be clerk of the crown and hanaper, and so from time to time as a vacancy may occur therein; and that such person so to be nominated and appointed shall hold the said office during good behaviour, notwithstanding the demise of his Majesty or of any of his heirs and successors; and that the persons so to be appointed to such office shall receive and be paid a salary of six hundred pounds per annum, and shall and they are hereby required personally to do and perform all such matters and things necessary and proper in the due execution of the business of the said office, and as have been heretofore done and performed by the deputy of the said clerk of the crown and hanaper.

Clerk of the crown and hanaper to employ two clerks.

III. AND be it further enacted, that the said clerk of the crown and hanaper shall and may employ two clerks in his office, to be approved of by the lord chancellor, to aid in the discharge of the duties thereof, at the respec-

tive salaries of one hundred and fifty pounds and one hundred pounds per annum; . . . . .

IV. AND be it further enacted, that there shall be an officer to be called the "Clerk of the Affidavits," who shall do and perform all the duties heretofore done and performed by the usher of the court or his deputy; . . . . .

Appointment  
of clerk of  
the affidavits.

\* \* \* \* \*

VI. AND be it further enacted, that in order to provide for such of the duties heretofore performed by and in the office of the six clerks as are necessary to be continued, and also for the duties which now are performed in the office of cursitor of the court, there shall be the several officers following; videlicet, two officers, to be called "Clerks in Court," whose duty it shall be, one to attend the lord chancellor's court, and the other the rolls court, for the purpose of reading all documents necessary to be read in court, and discharging such other duties as shall be prescribed to them under the general orders to be made by the lord chancellor, with the advice and assistance of the master of the rolls, in manner herein-after enacted; and an officer to be called "Clerk of the Appearances and Writs"; and that there shall be two assistant clerks to the said clerk of the appearances and writs; . . . . .

Appointment  
of two clerks  
in court, and  
clerk of appear-  
ances and writs,  
with two assis-  
tants.

VII. AND be it further enacted, that the duties of the several officers, and such of the duties of the said six clerks as may be necessary to be performed by any of the other officers of the court, or by the solicitors of the parties, shall be performed in such manner and under such rules and regulations as the lord chancellor, by and with the advice and assistance of the master of the rolls, shall by any general rules or orders to be issued for that purpose order or direct; and that all notices, summonses, orders, and other matters, which have heretofore been served by and on the said six clerks, shall be served by and on the solicitors of the parties, save where it shall be otherwise directed by such general rules or orders to be issued as aforesaid; and such solicitors shall be entitled to charge such fee for such duties as the lord chancellor, with the assistance of the master of the rolls, shall by general order fix and determine; and that the signature by the solicitor to all pleadings and documents heretofore required to be signed by the six clerks shall be deemed and taken as sufficient.

Lord chan-  
cellor and  
master of the  
rolls to make  
rules for per-  
formance of  
duties of abo-  
lished officers,  
&c.

VIII. AND be it further enacted, that the clerk of the appearances and writs shall provide a seal, in such form and with such impression as the lord chancellor shall approve of; and that the solicitor for the party desirous of issuing a writ of subpoena may prepare such subpoena, and present the same to the clerk of the appearances and writs for sealing, and the same shall henceforth be an open writ, and either in the present form or any other form which the lord chancellor may from time to time direct, and such writ shall, upon presentment thereof for that purpose, be forthwith sealed with such seal, and shall have the same force and validity as a writ of subpoena now has when sealed with the great seal; and there shall hereafter be paid to the clerk of the appearances and writs for each such subpoena, on the same being sealed, such sum as the lord chancellor, with the advice and assistance of the master of the rolls, shall from time to time order and direct.

Clerk of ap-  
pearances and  
writs to pro-  
vide a seal.

Writ of sub-  
poena to be an  
open writ, and  
sealed with the  
seal of the  
clerk of appear-  
ances and  
writs.

\* \* \* \* \*



New establish-  
ment of the  
registrars office.

XI. AND whereas it is expedient that the office of the registrars of the said court should be regulated: Therefore be it enacted, that the establishment of the registrars office shall consist of two registrars, one assistant registrar, and six clerks, and such a number of scrivenary clerks as the service of the said office shall require, and as shall be approved of by the lord chancellor; . . . . . and that upon the happening of a vacancy in the office of either of the said registrars, such vacancy shall be filled up by the assistant registrar; and that upon a vacancy happening in the office of assistant registrar the same shall be filled up by the chief clerk, if no sufficient objection to the satisfaction of the lord chancellor shall be made; and in that case if the lord chancellor shall not consider him to be qualified, then the lord chancellor shall, until after mentioned, appoint some proper person to be assistant registrar; and as vacancies may occur in the office of any of the present clerks or assistant clerks, such vacancies shall not be filled up until the whole number of clerks be reduced to six; and upon a vacancy happening after the number shall be reduced to six, the lord chancellor shall appoint some proper person to fill the office, and so from time to time until the whole of the present clerks shall be removed; and when a new succession of clerks shall be so appointed, then and in that case, upon the death, resignation, or removal of any of them, other than the junior clerk, the vacancy thereby occasioned shall be filled up by the clerk next in seniority to whom no sufficient objection to the satisfaction of the lord chancellor shall be made; and that on all future vacancies in the office of junior clerk the lord chancellor shall appoint some proper person to be such junior clerk; and that upon a vacancy happening in the office of assistant registrar after the whole number of clerks shall have been appointed by the lord chancellor under this Act, then such vacancy shall be filled up by the senior clerk in the said office for the time being to whom no sufficient objection to the satisfaction of the lord chancellor shall be made.

Duties of  
registrars  
and assistant  
registrar.

XII. AND be it further enacted, that the said registrars shall attend the court of the lord chancellor and the court of the master of the rolls as heretofore; and that the duty of the assistant registrar shall be to attend and superintend the general business of the office; and such assistant registrar shall be and he is hereby empowered to countersign the drafts of the accountant general and to sign official documents, and to do all official acts necessary in the execution of the duties of the office, in the same manner as the said registrars are authorized to do.

Registrars to  
receive fees,  
and to pay the  
salaries of  
assistant re-  
gistrar and  
clerks.

XIII. AND be it further enacted, that the registrars of the said court shall receive the fees and emoluments which they are now or which at any time hereafter they shall be authorized to receive, and shall thereout pay to the said assistant registrar the salary or yearly sum of one thousand pounds, and to the present clerks to the said registrars the several salaries or yearly sums set opposite to their respective names or titles in the first schedule to this Act annexed [Rep., Stat. Law Rev. Act, 1874.], and to all future clerks to be appointed under and in pursuance of this Act the several salaries or yearly sums set forth in the second schedule to this Act annexed; and the residue of such fees shall be appropriated as herein-after directed.

Limitation of  
salaries of  
registrars.

XIV. AND be it further enacted, that in case such fees, after payment of the several salaries aforesaid, and such sum as the lord chancellor for the time

being may allow for books, paper, scrivenary clerks, and other incidental and necessary expences of the said office, shall exceed in amount the clear sum of two thousand pounds per annum to each of the present registrars, and one thousand five hundred pounds per annum to any future registrar to be appointed, such excess shall be paid over as after mentioned; and that any person to be hereafter appointed registrar on the happening of a vacancy in the office of either of the present registrars, the fees and emoluments of such future registrar shall be limited to the clear sum of one thousand five hundred pounds per annum.

XV. AND be it further enacted, that for the purpose of ascertaining the fees and emoluments of the registrars for the time being they shall every quarter in the year, beginning on the quarter next after the commencement of this Act, account on oath before one of the masters of this court for all fees and sums of money received by them or for their use, and of the sums from time to time paid by them thereout for salaries to the several officers aforesaid, and for other official expences to be allowed as aforesaid; and whenever and so often as it shall appear by such account that the sums received by or payable to such registrars in any one quarter of a year shall exceed the clear sum of five hundred pounds to each of the present registrars, or of three hundred and seventy-five pounds to any future registrar to be appointed (after deducting thereout the salaries and expences aforesaid), the said registrars shall, within fourteen days next after every such quarter of a year, pay the amount of such excess into the Bank of Ireland, to the credit of the accountant general of the said court, to be placed by him to the account to be intituled "The Suitors Fee Fund Account." [Rep., Stat. Law Rev. Act, 1874.]

Registrars to account quarterly for fees received by them.

XVII. AND be it further enacted, that if it shall hereafter appear to the lord chancellor that the business of any of the offices of the said court cannot be discharged with due dispatch without the assistance of an additional clerk or clerks, then and in such case it shall be lawful for the lord chancellor from time to time to direct that one or more additional clerk or clerks shall be appointed, with such salary and salaries as he shall deem proper, . . . . .; and such additional clerk or clerks shall be appointed by the judge for the time being who may have the right of appointing the other clerks in the said office.

Power to appoint additional clerks.

XVIII. AND be it further enacted, that in case of illness or other necessary cause of absence it shall be lawful for any of the officers filling the respective offices herein-before mentioned, from time to time as occasion may require, to appoint a deputy, such deputy, and also the occasion for such appointment, to be first approved by the judge on whom it shall be the duty of such officer to attend, upon a petition, to be verified by affidavit, for such time and under such regulations as the judge shall direct; and no such appointment of a deputy shall continue for any longer time than shall be allowed and specified in and by the order which shall be made on such petition; and that such deputy shall be paid out of the salary or fees of such officer such sum as shall be directed by the said order.

Officers may appoint deputies in case of illness.

XIX. AND be it further enacted, that it shall not be lawful for any person who shall be appointed to hold any of the offices of the said court, to act or practise, either in his own name or in the name of any other person or persons, as an attorney or solicitor in any of the courts at law or equity in Ireland; and in case it shall appear by evidence to the satisfaction of the lord chancellor, that any such officer or person shall directly or indirectly, by himself or any other person in partnership with or in trust for him, act as such attorney

Officers not to act as attorneys or solicitors on pain of dismissal.

or solicitor, the lord chancellor shall and may thereupon remove him from his office.

So much of  
4 Geo. 4. c. 61.  
as is inconsis-  
tent with  
this Act shall  
be repealed,  
and such parts  
as are applicable  
shall extend to  
it.

XXXII. AND be it further enacted, that so much of the said herein-before recited Act passed in the fourth year of the reign of his late Majesty, intituled "An Act for the better administration of justice in the Court of Chancery in Ireland," as shall be inconsistent with any of the clauses or provisions of this Act, shall be and the same is hereby repealed; and that so many and such part and parts of the clauses and enactments of the said recited Act as may be applicable to the several officers appointed and to be appointed under this Act, shall extend and be construed to extend and be applied to such officers respectively, as fully and effectually as if such clauses and enactments had been repeated and re-enacted in this Act.

Extraordinary  
commissioners  
may take ac-  
knowledgments  
of recogni-  
zances in Great  
Britain.

XXXIII. AND be it further enacted, that it shall be lawful for all extraordinary commissioners of the Court of Chancery, and they are hereby authorized and empowered, to take in England or Scotland the acknowledgment of recognizances by parties and others in suits and matters depending in the said court, in such and the same manner as the masters in ordinary of the Court of Chancery may now take according to the practice of the said court respectively.

Lord keeper,  
&c. to have  
powers of lord  
chancellor.

XXXV. AND be it further enacted, that the powers and authorities given by this Act to the lord chancellor shall and may be exercised in like manner and are hereby given to the lord chancellor, lord keeper, or lords commissioners for the custody of the great seal respectively, for the time being.

#### SCHEDULES to which this Act refers.

#### SECOND SCHEDULE.

				SALARY.	
The first clerk to the registrars				£400 per annum.	
Second	-	-	-	300	—
Third	-	-	-	200	—
Fourth	-	-	-	150	—
Fifth	-	-	-	150	—
Sixth	-	-	-	100	—

## CHAPTER LXXVII.

AN ACT for carrying into Effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage.]\* [13th August 1836.]

**W**HEREAS his Majesty was pleased, on the fourth day of February and on the sixth day of June in the year one thousand eight hundred and thirty-five, to issue two several commissions to certain persons therein respectively named, directing them to consider the state of the several dioceses in England and Wales, with reference to the amount of their revenues, and the more equal distribution of episcopal duties, and the prevention of the necessity of attaching by commendam to bishopricks benefices with cure of souls, and to consider also the state of the several cathedral and collegiate churches in England and Wales, with a view to the suggestion of such measures as may render them conducive to the efficiency of the Established Church, and to devise the best mode of providing for the cure of souls, with special reference to the residence of the clergy on their respective benefices: And whereas the said commissioners have, in pursuance of such directions, made four several reports to his Majesty, bearing date respectively the seventeenth day of March one thousand eight hundred and thirty-five, and the fourth day of March, the twentieth day of May, and the twenty-fourth day of June one thousand eight hundred and thirty-six: And whereas the said commissioners have, in their said reports, amongst other things, recommended that commissioners be appointed by Parliament for the purpose of preparing and laying before his Majesty in council such schemes as shall appear to them to be best adapted for carrying into effect the following recommendations; and that his Majesty in council be empowered to make orders ratifying such schemes, and having the full force of law; and that the diocese of Canterbury consist of the county of Kent (except the city and deanery of Rochester and those parishes which it is proposed to include in the diocese of London), and of the parishes of Croydon and Addington, and the district of Lambeth Palace, in the county of Surrey; and that the diocese of London consist of the city of London and the county of Middlesex, of the parishes of Barking, East Ham, West Ham, Little Ilford, Low Layton, Walthamstow, Wanstead, Saint Mary Woodford, and Chingford, in the county of Essex, all in the present diocese of London: of the parishes of Charlton, Lee, Lewisham, Greenwich,

Recital of commissions and reports.

]\* This Act is rep.—

by 1 & 2 Vict. c. 30. s. 1., so far as it may relate to or affect the see of Sodor and Man.

by 10 & 11 Vict. c. 108. s. 1., as to so much and such parts as provide for or apply to the union of the bishopricks, sees or dioceses of Saint Asaph and Bangor.

by 26 & 27 Vict. c. 36. s. 2., so far as respects the borough of Southwark, and the parishes of Battersea, Bermondsey, Camberwell, Christchurch, Clapham, Lambeth, Rotherhithe, Streatham, Tooting Graveney, Wandsworth, Merton, Kew, and Richmond, in the county of Surrey.

by 26 & 27 Vict. c. 36. s. 3., so far as respects the archidiaconal jurisdiction over the city and deanery of Rochester.†

Woolwich, Eltham, Plumstead, and Saint Nichōlas Deptford, in the county of Kent, and Saint Paul Deptford in the counties of Kent and Surrey, all now in the diocese of Rochester; of the borough of Southwark, and the parishes of Battersea, Bermondsey, Camberwell, Christchurch, Clapham, Lambeth, Rotherhithe, Streatham, Tooting Graveney, Wandsworth, Merton, Kew, and Richmond, in the county of Surrey and present diocese of Winchester; and of the parishes of Saint Mary Newington, Barnes, Putney, Mortlake, and Wimbledon, in the county of Surrey and in the peculiar jurisdiction of the archbishop of Canterbury, together with all extra parochial places locally situate within the limits of the parishes above enumerated, except the district of Lambeth Palace; and that the diocese of Winchester be diminished by the transfer of the parish of Addington to the diocese of Canterbury, and of the before-mentioned parishes to the diocese of London; and that the whole of the parish of Bedminster be transferred from the diocese of Bath and Wells to the diocese of Gloucester and Bristol; and that the city and deanery of Bristol be united to the diocese of Gloucester; and that the southern part of the diocese of Bristol, consisting of the county of Dorset, be transferred to the diocese of Salisbury; and that the diocese of Ely be increased by the counties of Huntingdon and Bedford, now in the diocese of Lincoln, by the deaneries of Lynn and Fincham in the county of Norfolk and diocese of Norwich, and by the archdeaconry of Sudbury in the county of Suffolk and diocese of Norwich, with the exception of the deaneries of Sudbury, Stow, and Hartismere, and by that part of the county of Cambridge which is now in the diocese of Norwich; and that it be declared that the Scilly Islands are within the jurisdiction of the bishop of Exeter and of the archdeacon of Cornwall; and that the sees of Gloucester and Bristol be united, and that the diocese consist of the present diocese of Gloucester, of the city and deanery of Bristol, of the deaneries of Cricklade and Malmesbury in the county of Wilts and now in the diocese of Salisbury, and of the whole of the parish of Bedminster, now in the diocese of Bath and Wells; and that to the diocese of Hereford be added the deanery of Bridgnorth, now locally situated between the dioceses of Hereford and Lichfield; and that those parts of the counties of Worcester and Montgomery which are now in the diocese of Hereford be transferred to the dioceses of Worcester and Saint Asaph and Bangor respectively; and that the diocese of Lichfield consist of the counties of Stafford and Derby; and that the diocese of Lincoln consist of the counties of Lincoln and Nottingham; and that the latter county, now in the diocese and province of York, be included in the province of Canterbury; and that the diocese of Norwich consist of the counties of Norfolk and Suffolk, except those parts which it is proposed to transfer to the diocese of Ely; and that the diocese of Oxford be increased by the county of Buckingham, now in the diocese of Lincoln, and by the county of Berks, now in the diocese of Salisbury; and that the diocese of Peterborough be increased by the county of Leicester, now in the diocese of Lincoln; and that the diocese of Rochester consist of the city and deanery of Rochester, of the county of Essex (excepting the parishes which it is proposed to leave in the diocese of London), and of the whole county of Hertford; and that to the diocese of Salisbury, reduced according to the foregoing propositions, be added the county of Dorset, now in the diocese of Bristol; and that the diocese

of Worcester consist of the whole counties of Worcester and Warwick ; and that the sees of Saint Asaph and Bangor be united, and that the diocese consist of the whole of the two existing dioceses (except that part of the diocese of Saint Asaph which is in the county of Salop) and of those parts of the county of Montgomery which are now in the dioceses of Saint David's and Hereford ; and that the diocese of Landaff consist of the whole counties of Glamorgan and Monmouth ; and that the diocese of Saint David's be altered by the transfer of those parts of the counties of Montgomery, Glamorgan, and Monmouth which it is proposed to include in the respective dioceses of Saint Asaph and Bangor and Llandaff ; and that the diocese of York consist of the county of York, except such parts thereof as it is proposed to include in the new diocese of Ripon ; and that the diocese of Durham be increased by that part of the county of Northumberland called Hexhamshire which is now in the diocese of York ; and that the sees of Carlisle and Sodor and Man be united, and that the diocese consist of the present diocese of Carlisle, of those parts of Cumberland and Westmorland which are now in the diocese of Chester, of the deanery of Furnes and Cartmel in the county of Lancaster, of the parish of Aldeston, now in the diocese of Durham, and of the Isle of Man ; and that the diocese of Chester consist of the county of Chester, of so much of the county of Flint as is now in that diocese, and of so much of the county of Salop as is not in the diocese of Hereford ; and that the whole diocese be included in the province of York, and that two new sees be erected in the province of York, one at Manchester and the other at Ripon ; and that the diocese of Manchester consist of the whole county of Lancaster except the deanery of Furnes and Cartmel ; and that the diocese of Ripon consist of that part of the county of York which is now in the diocese of Chester, of the deanery of Craven, and of such parts of the deaneries of the Ainsty and Pontefract in the county and diocese of York as lie to the westward of the following districts ; videlicet, the liberty of the Ainsty and the wapentakes of Barkston Ash, Osgoldcross, and Staincross ; and that all parishes which are locally situate in one diocese, but under the jurisdiction of the bishop of another diocese, be made subject to the jurisdiction of the bishop of the diocese within which they are locally situate ; and that such variations be made in the proposed boundaries of the different dioceses as may appear advisable, after more precise information respecting the circumstances of particular parishes or districts ; and that the bishops of the two newly erected sees be made bodies corporate, and be invested with all the same rights and privileges as are now possessed by the other bishops of England and Wales, and that they be made subject to the metropolitan jurisdiction of the archbishop of York, and that the collegiate churches of Manchester and Ripon be made the cathedrals, and that the chapters thereof be the chapters of the respective sees of Manchester and Ripon, and be invested with all the rights and powers of other cathedral chapters ; and that the members of these and of all other cathedral churches in England be styled dean and canons ; that the chapter of Carlisle be the chapter of the united see of Carlisle and Man ; that the bishops of the see of Saint Asaph and Bangor be elected alternately by the dean and chapter of Saint Asaph and by the dean and chapter of Bangor ; that the bishops of the see of Bristol and Gloucester be elected alternately by the dean and chapter of Bristol and by the dean and chapter

of Gloucester ; that power be given to determine the future mode of confirming such acts of the bishop of either of the united sees as may require confirmation by a dean and chapter ; and that upon the first avoidance of either of the sees of Saint Asaph or Bangor and of Gloucester or Bristol the bishop of the other of the sees proposed to be united become ipso facto bishop of the two sees, and thereupon become seised and possessed of all the property, advowsons, and patronage belonging to the see so avoided ; and that the jurisdiction of the bishop's court in each diocese be co-extensive with the limits of the diocese as newly arranged ; and that such arrangements be made with regard to the apportionment of fees payable to the officers of the several diocesan courts as may be deemed just and equitable, for the purpose of making compensation to those officers who may be prejudiced by the proposed alterations ; and that such alterations be made in the apportionment or exchange of ecclesiastical patronage among the several bishops as shall be consistent with the relative magnitude and importance of their dioceses when newly arranged, and as shall afford an adequate quantity of patronage to the bishops of the new sees ; and that, in order to provide for the augmentation of the incomes of the smaller bishopricks, such fixed annual sums be paid to the commissioners out of the revenues of the larger sees respectively as shall upon due inquiry and consideration be determined on, so as to leave as an average annual income to the archbishop of Canterbury fifteen thousand pounds, to the archbishop of York ten thousand pounds, to the bishop of London ten thousand pounds, to the bishop of Durham eight thousand pounds, to the bishop of Winchester seven thousand pounds, to the bishop of Ely five thousand five hundred pounds, to the bishop of St. Asaph and Bangor five thousand two hundred pounds, and to the bishop of Worcester and Bath and Wells respectively five thousand pounds ; and that out of the fund thus accruing fixed annual payments be made by the commissioners, in such instances and to such amount as shall be in like manner determined on, so that the average annual incomes of the other bishops respectively be not less than four thousand pounds nor more than five thousand pounds ; and that at the expiration of every seven years, reckoning from the first day of January one thousand eight hundred and thirty-seven, a new return of the revenues of all the bishopricks be made to the commissioners, and that thereupon the scale of episcopal payments and receipts be revised, so as to preserve, as nearly as may be, to each bishop, an amount of income equivalent to that which shall have been determined in the first instance to be suitable to the circumstances of his bishoprick, and that such revised scale take effect as to each see respectively upon the then next avoidance thereof ; and that if, in determining the mode of regulating the episcopal incomes, either in the first instance or on any future revision of them, it shall be deemed expedient to make the alteration required, in any case, by the subtraction or addition of any real estates, such real estates be transferred accordingly ; and that out of the property of the see of Durham provision be forthwith made for the completion of those augmentations of poor benefices which the late bishop (meaning thereby the late right reverend William Van Mildert) had agreed to grant, but which he left uncompleted at the time of his death ; and that the bishop of Durham do in future hold the castle of Durham in trust for the university of Durham, and that all expenses of maintaining and repairing the same be defrayed by the university of Durham ; and that so soon as the relative values of the

several sees under the new arrangements shall have been ascertained, apportionment be made of the sums to be thereafter paid by the respective bishops for first fruits, so as to leave the aggregate amount payable from all the sees to the bounty of Queen Anne the same as at present; and that the bishops who shall on the present vacancies succeed to the sees of Durham and Ely, be relieved from the excess beyond their due proportion payable for first fruits, and that the residue of the sums due be paid by the commissioners out of the surplus funds arising from those sees; and that the tenths to be hereafter payable by the respective bishops be regulated by the amount of the first fruits payable under the preceding propositions; and that none of the proposed alterations affecting the boundaries or jurisdiction of any diocese, or the patronage of benefices with cure of souls, or the revenues belonging to any see the bishop of which was in possession on the fourth day of March one thousand eight hundred and thirty-six, take effect until the avoidance of the see without the consent of such bishop; and that no ecclesiastical dignity, office, or benefice be in future granted to any bishop to be held in commendam, but that such of the endowments of certain prebends in the cathedrals of Lincoln, Lichfield, Exeter, and Salisbury, as now belong to the bishops of the respective dioceses, continue annexed to the respective sees; and that fit residences be provided for the bishops of Lincoln, Landaff, Rochester, Manchester, and Ripon; and that, for the purpose of providing the bishop of any diocese with a more suitable and convenient residence than that which now belongs to his see, sanction be given for purchases or exchanges of houses or lands, or for the sale of lands belonging to the respective sees, and also, where it may be necessary, for the borrowing by any bishop of a sum not exceeding two years income of his see, upon such terms as shall appear to be fit and proper; and that the governors of the bounty of Queen Anne be empowered to lend money upon mortgage to such bishops; and that so much of the sum of six thousand pounds recovered by the late bishop of Bristol for damages done to the episcopal residence at Bristol, and of its accumulations, as may remain after deducting proper expenses, together with the money arising from the sale of the site of such residence, if sold, be applied to the purchase or erection of a residence for the bishop of the see of Bristol and Gloucester; and that new archdeaconries of Bristol, Maidstone, Monmouth, Westmorland, Manchester, Lancaster, and Craven be created, and that districts be assigned to them; and that archidiaconal power be given to the dean of Rochester within that part of Kent which will remain in the diocese of Rochester; and that the limits of the other existing deaneries and archdeaconries be newly arranged, so that every parish and extra-parochial place be within a rural deanery, and every deanery within an archdeaconry, and that no archdeaconry extend beyond the limits of one diocese; and that all the archdeaconries of England and Wales be in the gift of the bishops of the respective dioceses in which they are situate; and that all archdeacons have and exercise full and equal jurisdiction within their respective archdeaconries: And whereas it is expedient that the said recommendations should be carried into effect as soon as conveniently may be: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the lord archbishop of Canterbury for the time being, the lord archbishop of York and

Appointment,  
&c. of Eccle-  
siastical Com-



missioners for  
England.

the lord bishop of London for the time being, . . . . . the lord high chancellor of Great Britain, the lord president of the council, the lord high treasurer or the first lord of the Treasury, and the chancellor of the Exchequer, for the time being respectively, and such one of his Majesty's principal secretaries of state as shall be for that purpose nominated by his Majesty under his royal sign manual (such lord chancellor, lord president, lord high treasurer or first lord of the Treasury, chancellor of the Exchequer, and secretary of state being respectively members of the United Church of Great Britain and Ireland), the right honourable Dudley earl of Harrowby, the right honourable Henry Hobhouse, and the right honourable Sir Herbert Jenner, knight, shall for the purposes of this Act be one body politic and corporate by the name of "The Ecclesiastical Commissioners for England," and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, and shall have power and authority to take and purchase and hold lands, tenements, and hereditaments, to them, their successors and assigns, for the purposes of this Act, the statutes of mortmain, or any other Act or Acts, to the contrary hereof notwithstanding.

How vacancies  
to be supplied.

II. AND be it enacted, that . . . . . when any vacancy shall occur, by death, removal, resignation, or otherwise, among . . . . . the three last-named lay commissioners, or among such of the future commissioners under this Act as shall not have become such commissioners by virtue of any dignity or office, according to the provisions of this Act, it shall be lawful for his Majesty to fill up such vacancy by appointing under his royal sign manual, . . . . . instead of any such commissioner being a layman some other layman, being a member of the said church, to be a commissioner under this Act; and every such . . . . . person so to be appointed shall accordingly become to all intents and purposes one of the commissioners for the purposes of this Act.

Commissioners  
to subscribe a  
declaration.

III. AND be it enacted, that every such commissioner, whether herein named or hereafter to be appointed, not being an archbishop or bishop, shall before acting under the said commission, and at the first meeting he shall attend, subscribe in the book of the minutes of the proceedings of the said commissioners a declaration in the words following:

' I DO hereby solemnly, and in the presence of God, testify and declare, that I am a member of the United Church of England and Ireland as by law established. Witness my hand this . . . . . day of . . . . . '

Five commis-  
sioners to form  
a quorum.

IV. AND be it enacted, that all acts, matters, and things, which the said commissioners are by any of the provisions of this Act authorized or required to do and perform, shall and may be done and performed by any five of such commissioners: Provided always, that such five commissioners be for such purpose assembled at a meeting whereof due notice shall have been given to all the said commissioners.

Assent of two  
episcopal com-  
missioners  
essential to  
acts under seal,  
&c.

V. PROVIDED always, and be it enacted, that no proceeding, which requires to be ratified and confirmed by the common seal of the corporation, shall be finally concluded, nor the said seal affixed to any deed or instrument, save at a meeting whereof notice shall have been in like manner given, and whereat two at least of the said episcopal commissioners shall be personally present: Provided also, that in case any two episcopal commissioners, being the only episcopal commissioners present, shall object to the ratification and confir-

mation of any such proceeding as aforesaid, or to the affixing of such seal to any deed or instrument as aforesaid, such ratification or affixing of the seal shall not take place until a subsequent meeting of the commissioners shall have been held, after due notice thereof shall have been given.

VI. AND be it enacted, that at each meeting of the said commissioners the commissioner first in rank and precedence there present shall preside as chairman, and, in case of the equality in rank and precedence of all the commissioners so present, then the senior commissioner in the order of appointment shall so preside; and [Rep., Stat. Law Rev. Act, 1874.] the chairman at all such meetings shall not only vote as a commissioner, but shall also in case of the equality of votes have the casting or decisive vote.

Chairman at meetings.

VII. AND be it enacted, that the said commissioners may from time to time appoint a treasurer and secretary, and such clerks, messengers, and officers as they shall deem necessary, and from time to time, at the discretion of the said commissioners, may remove such treasurer, secretary, clerks, messengers, and officers, or any of them, and appoint others in their stead: Provided always, that the amount of the salaries of such treasurer, secretary, clerks, messengers, and officers, shall from time to time be regulated by the lord high treasurer, or the lords commissioners of his Majesty's Treasury, or any three or more of them.

Commissioners to appoint a treasurer, secretary, and other officers.

VIII. AND be it further enacted, that the secretary or other officer of the said commissioners shall keep a book, in which he shall make minutes of the proceedings of the said commissioners at their several meetings, and enter the names of the commissioners present thereat; and such entry of the proceedings at each meeting shall be signed by the chairman thereof.

Secretary to make and keep minutes.

IX. AND be it enacted, that it shall be lawful for the said commissioners, by summons under the hand of the chairman of any such meeting, to require the attendance of any person whom they shall think fit to examine touching any matter within their cognizance, also to make any inquiries, and call for any answers or returns, as to any such matter, and also to administer oaths, and examine every such person upon oath, and to cause to be produced before them, upon oath, all statutes, charters, grants, rules, regulations, bye laws, books, deeds, contracts, agreements, accounts, and writings whatsoever, or copies thereof respectively, in anywise relating to any such matter; or, in lieu of requiring such oath as aforesaid, the said commissioners may, if they think fit, require any such person to make and subscribe a declaration of the truth of his examination.

Commissioners may call and examine witnesses, &c., and administer an oath or a declaration.

X. AND be it enacted, that the said commissioners shall from time to time prepare, and lay before his Majesty in council, such schemes as shall appear to the said commissioners to be best adapted for carrying into effect the hereinbefore recited recommendations, and shall in such schemes recommend and propose such measures as may, upon further inquiry, which the said commissioners are hereby authorized to make, appear to them to be necessary for carrying such recommendations into full and perfect effect: Provided always, that nothing herein contained shall be construed to prevent the said commissioners from proposing in any such scheme such modifications or variations as to matters of detail and regulation as shall not be substantially repugnant to any or either of the said recommendations, and in particular that it shall be competent to the said commissioners to propose in any such scheme that all parishes, churches, or chapelries which are locally situate in any diocese, but

Commissioners to lay schemes before the King in council for carrying into effect the recommendations hereinbefore recited, &c.

subject to any peculiar jurisdiction other than the jurisdiction of the bishop of the diocese in which the same are locally situate, shall be only subject to the jurisdiction of the bishop of the diocese within which such parishes, churches, or chapelries are locally situate.

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King in council  
may make  
orders for carrying  
schemes  
into effect ;  
which shall be  
registered in  
each diocese ;

XII. AND be it enacted, that when any scheme prepared under the authority of this Act shall be approved by his Majesty in council, it shall be lawful for his Majesty in council to issue an order or orders ratifying the same, and specifying the time or times when such scheme or the several parts thereof shall take effect, and to direct in every such order that the same be registered by the registrar of each of the dioceses the bishops whereof may or shall be in any respect affected thereby, and in any newly-created diocese by such person as shall be for that purpose named in such order, which person shall in such last-mentioned diocese become registrar there, and so continue as long as he shall demean himself well in his office.

and gazetted ;

XIII. AND be it enacted, that every such order shall, as soon as may be after the making and issuing thereof by his Majesty in council, be inserted and published in the London Gazette.

and shall then  
be of full effect  
for all purposes  
and as to all  
persons.

XIV. AND be it enacted, that, so soon as any such order in council shall be so registered and gazetted, it shall in all respects, and as to all things therein contained, have and be of the same force and effect as if all and every part thereof were included in this Act, any law, statute, canon, letters patent, grant, usage, or custom to the contrary notwithstanding.

Copies of orders  
to be laid before  
Parliament.

XV. AND be it enacted, that a copy of every order of his Majesty in council made under this Act shall be laid before each House of Parliament in the month of January in every year, if Parliament shall be then sitting, or if Parliament be not then sitting within one week after the next meeting thereof.

Registrars to  
register all  
orders, subject  
to a penalty for  
neglect.

XVI. AND be it enacted, that the registrar of every diocese, to whom any order of his Majesty in council made by virtue of this Act shall be delivered, shall forthwith register the same in the registry of his diocese ; and the persons who shall be for that purpose appointed in the dioceses of Manchester and Ripon, shall forthwith register every such order in books to be by them for that purpose provided, which shall thenceforth become the registry of those dioceses respectively ; and if any such registrar or other person shall refuse or neglect to register any such order, he shall, for every day during which he shall so offend, forfeit twenty pounds ; and if his offence shall continue for the space of three months he shall forfeit his office, and it shall be lawful for the bishop of the diocese, or for his Majesty, as the case may be, to appoint a successor thereto.

Fees to registrar  
for searches  
for orders, &c.

XVII. AND be it enacted, that for such registration as aforesaid no registrar shall be entitled to receive any fee or reward, but that on every search for any such order he shall be entitled to receive a fee of three shillings, and for every copy or extract of any such order certified by him he shall be entitled to receive for every folio of ninety words four-pence ; and the copy of every such entry, certified by the registrar, shall be admissible as evidence in all courts and places whatsoever.

No commendams  
to be in  
future held by  
bishops.

XVIII. AND be it enacted, that after the passing of this Act no ecclesiastical dignity, office, or benefice shall be held in commendam by any bishop,

unless he shall so hold the same at the time of passing thereof; and that every commendam thereafter granted, whether to retain or to receive, and whether temporary or perpetual, shall be absolutely void to all intents and purposes.

XIX. AND be it enacted, that all archdeacons throughout England and Wales shall have and exercise full and equal jurisdiction within their respective archdeaconries, any usage to the contrary notwithstanding.

Jurisdiction of archdeacons.

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XXVI. AND whereas by an Act passed in the fifth and sixth years of his present Majesty, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," provision was made concerning the sale of certain ecclesiastical preferments in the patronage of the several municipal corporations therein mentioned, at such time and in such manner as the commissioners appointed to consider the state of the Established Church in England and Wales, with reference to ecclesiastical duties and revenues, should direct: Be it enacted, that from and after the passing of this Act the provisions in the said recited Act contained, which apply to the said commissioners, shall apply and be held to apply to the commissioners appointed under this Act by the style and title of "The Ecclesiastical Commissioners for England."

5 & 6 Will. 4. c. 76.

Provisions of recited Act applicable to church commissioners shall apply to commissioners under this Act.

## CHAPTER LXXXIII.

AN ACT for the Regulation of the Offices of Vice Treasurer and Teller of the Exchequer in Ireland. [17th August 1836.]

WHEREAS an Act was passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled "An Act for the more effectual regulation of the receipts and issues of his Majesty's Treasury, and for securing the due application of money coming into the hands of the public accountants, in Ireland": And whereas an Act was passed in the fifty-sixth year of the reign of his said late Majesty, intituled "An Act to unite and consolidate into one fund all the public revenues of Great Britain and Ireland, and to provide for the application thereof to the general service of the United Kingdom": And whereas an Act was passed in the fifty-seventh year of the reign of his said late Majesty, intituled "An Act to regulate the offices of his Majesty's Exchequer in England and Ireland respectively": And whereas an Act was passed in the third year of the reign of his late Majesty King George the Fourth, intituled "An Act to provide for the more effectual regulation of certain offices relating to the receipt of his Majesty's Exchequer in Ireland": And whereas, with a view to the advantage of the public service, it is expedient that the receipt and issue of all the monies forming the public revenues of the United Kingdom should be placed under the control and superintendence of the commissioners of his Majesty's Treasury; and further and more effectual regulations are therefore necessary in respect of the issue of the public monies in Ireland, and also in respect of the offices of vice treasurer and teller of the Exchequer: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the lord high treasurer, or for the commis-

54 Geo. 3. c. 83.

56 Geo. 3. c. 98.

57 Geo. 3. c. 84.

3 Geo. 4. c. 56.

The Treasury may reduce or consolidate

the offices of vice treasurer and teller of the Exchequer in Ireland, and make rules for the discharge of the duties of the same, &c.

The rules issued under this Act to be laid before Parliament.

sioners of his Majesty's Treasury, for the time being, or for any three or more of them, to reduce or consolidate the offices of vice treasurer and teller of the Exchequer in Ireland, and from time to time to make such orders, rules, and regulations in regard to the receipt and issue of the public monies into and from the receipt of his Majesty's Exchequer in Ireland, and also for the discharge of the duties of the said offices of vice treasurer and teller of the Exchequer in Ireland, as to the said lord high treasurer or commissioners of his Majesty's Treasury shall seem proper; and all such orders, rules, and regulations shall be of full force and validity in all respects, any thing in any Act or Acts contained to the contrary notwithstanding.

II. AND be it further enacted, that the several orders, rules, or regulations, which may be issued by the said lord high treasurer or commissioners of his Majesty's Treasury under the authority of this Act, shall be laid before both Houses of Parliament within six weeks after the issue of such orders, rules, or regulations, if Parliament shall be sitting, or, if not sitting, then within six weeks next immediately after the re-assembling of Parliament.

#### CHAPTER LXXXV.

AN ACT for Marriages in England. [1\*]

[17th August 1836.]

WHEREAS it is expedient to amend the law of marriages in England:

After 1st March 1837 all rules prescribed by the rubric shall continue to be observed; but marriages may be solemnized on production of registrar's certificate.

Saving as to licences for marriages.

Marriages of Quakers and Jews.

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the first day of March in the year one thousand eight hundred and thirty-seven, notwithstanding anything in this Act contained, all the rules prescribed by the rubric concerning the solemnizing of marriages shall continue to be duly observed by every person in holy orders of the Church of England who shall solemnize any marriage in England: Provided always, that where, by any law or canon in force before the passing of this Act, it is provided that any marriage may be solemnized after publication of banns, such marriage may be solemnized in like manner on production of the registrar's certificate as herein-after provided; provided also, that nothing in this Act contained shall affect the right of the archbishop of Canterbury and his successors, and his and their proper officers, to grant special licences to marry at any convenient time and place, or the right of any surrogate or other person now having authority to grant licences for marriages.

II. AND be it enacted, that the Society of Friends commonly called Quakers, and also persons professing the Jewish religion, may continue to contract and solemnize marriage according to the usages of the said society and of the said persons respectively; and every such marriage is hereby declared

[\* So much of this Act and of 6 & 7 Will. 4. c. 86., and of 7 Will. 4. & 1 Vict. c. 22., as provides that the cost of register books of births and deaths, marriage register books, and forms of certified copies thereof respectively, and of marriage notice books furnished by the registrar general, shall be paid by guardians, or by churchwardens and overseers, or by the registering officer of the Society of Friends called Quakers, or the secretary of any synagogue of persons professing the Jewish religion, rep., 21 & 22 Vict. c. 25. s. 6.]

and confirmed good in law, provided that the parties to such marriage be both of the said society, or both persons professing the Jewish religion respectively; provided also, that notice to the registrar shall have been given, and the registrar's certificate shall have issued in manner herein-after provided.

III. AND be it enacted, that the superintendent registrar of births and deaths of every union, parish, or place shall be, in right of his office, superintendent registrar of marriages within such union, parish, or place; and that such union, parish, or place shall be deemed the district of such superintendent registrar of marriages.

Superintendent registrars of births, &c. to be superintendent registrars of marriages, &c.

IV. AND be it enacted, that in every case of marriage intended to be solemnized in England after the said first day of March according to the rites of the Church of England (unless by licence or by special licence or after publication of banns), and in every case of marriage intended to be solemnized in England after the said first day of March according to the usages of the Quakers or Jews, or according to any form authorized by this Act, one of the parties shall give notice under his or her hand, in the form of schedule (A.) to this Act annexed, or to the like effect [Rep., Stat. Law Rev. Act, 1874.], to the superintendent registrar of the district within which the parties shall have dwelt for not less than seven days then next preceding, or, if the parties dwell in the districts of different superintendent registrars, shall give the like notice to the superintendent registrar of each district, and shall state therein the name and surname and the profession or condition of each of the parties intending marriage, the dwelling place of each of them, and the time not being less than seven days during which each has dwelt therein, and the church or other building in which the marriage is to be solemnized; provided that, if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.

Notice of every intended marriage to be given to the superintendent registrar of the district.

V. AND be it enacted, that the superintendent registrar shall file all such notices, and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a book, to be for that purpose furnished to him by the registrar general, to be called "The Marriage Notice Book," the cost of providing which shall be defrayed in like manner as the cost of providing register books of births and deaths [\*]; and the marriage notice book shall be open at all reasonable times without fee to all persons desirous of inspecting the same; and for every such entry the superintendent registrar shall be entitled to have a fee of one shilling.

Superintendent registrar to keep notices, and enter copies thereof in a book, &c.

\* \* \* \* \*

VII. AND be it enacted, that after the expiration of seven days if the marriage is to be solemnized by licence, or of twenty-one days if the marriage is to be solemnized without licence, after the entry of such notice, the superintendent registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form of schedule (B.) to this Act annexed, provided that no lawful impediment be shown to the satisfaction of the superintendent registrar why such certificate should not issue, and provided that the issue of such certificate shall not have been sooner forbidden in manner herein-after mentioned by any person or persons authorized in that behalf as herein-after is provided; and every such certificate shall state the particulars set forth in the notice, the day on which the notice was entered, and that the full period of seven days or of twenty-one days (as the case may be) has elapsed since the entry of such notice, and

After seven days, or twenty-one days, certificate of notice to be given, upon demand.

[\* See note to title of Act.]

that the issue of such certificate has not been forbidden by any person or persons authorized in that behalf; and for every such certificate the superintendent registrar shall be entitled to have a fee of one shilling. [Rep., Stat. Law Rev. Act, 1874.]

Forms of certificates to be furnished.

Certificates for marriage by licence to be distinguishable from other certificates.

VIII. AND be it enacted, that the registrar general shall furnish to every superintendent registrar a sufficient number of forms of certificates . . . . .; and in order to distinguish the certificates to be issued for marriages by licence from the certificates to be issued for marriages without licence, a watermark in the form of the word "licence," in Roman letters, shall be laid and manufactured in the substance of the paper on which the certificates to be issued for marriage by licence shall be written or printed; and every certificate to be issued for marriage by licence shall be printed with red ink, and every certificate to be issued for marriage without licence shall be printed with black ink, and such other distinctive marks between the two kinds of certificate shall be used from time to time as shall seem fit to the registrar general.

Issue of superintendent registrar's certificate may be forbidden.

IX. AND be it enacted, that any person authorized in that behalf may forbid the issue of the superintendent registrar's certificate by writing at any time before the issue of such certificate the word "forbidden" opposite to the entry of the notice of such intended marriage in the marriage notice book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized; and in case the issue of any such certificate shall have been so forbidden, the notice and all proceedings thereupon shall be utterly void.

Consent to marriages by licence shall be required as heretofore; and persons whose consent is required may forbid issue of certificate.

Superintendent registrar may grant licences for marriage.

X. AND be it enacted, that after the said first day of March the like consent shall be required to any marriage in England solemnized by licence as would have been required by law to marriages solemnized by licence immediately before the passing of this Act; and every person whose consent to a marriage by licence is required by law is hereby authorized to forbid the issue of the superintendent registrar's certificate, whether the marriage is intended, to be by licence or without licence.

Superintendent registrar to give security.

Superintendent registrar not to grant licences for marriages in churches, &c. not within his district.

XI. AND be it enacted, that after the said first day of March every superintendent registrar shall have authority to grant licences for marriage in any building registered as herein-after provided within any district under his superintendence, or in his office, in the form of schedule (C.) to this Act annexed [Rep., Stat. Law Rev. Act, 1874.], . . . . .; and every superintendent registrar shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every licence granted by him since his last return, and of the particulars stated concerning the parties: Provided always, that no superintendent registrar shall grant any such licence until he shall have given security by his bond in the sum of one hundred pounds to the registrar general for the due and faithful execution of his office: Provided also, that nothing herein contained shall authorize any superintendent registrar to grant any licence for marriage in any church or chapel in which marriages may be solemnized according to the rites of the Church of England, or in any church or chapel belonging to the Church of England or licensed for the celebration of divine worship according to the rites and ceremonies of the Church of England, or any licence for marriage in any registered building, which shall not be within his district.

\* \* \* \* \*

XIII. AND be it enacted, that any person, on payment of five shillings, may enter a caveat with the superintendent registrar against the grant of a certificate or a licence for the marriage of any person named therein; and if any caveat be entered with the superintendent registrar, such caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no certificate or licence shall issue or be granted until the superintendent registrar shall have examined into the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the certificate or licence for the said marriage, or until the caveat be withdrawn by the party who entered the same; provided that in cases of doubt it shall be lawful for the superintendent registrar to refer the matter of any such caveat to the registrar general, who shall decide upon the same: Provided likewise, that in case of the superintendent registrar refusing the grant of the certificate or licence, the person applying for the same shall have a right to appeal to the registrar general, who shall thereupon either confirm the refusal or direct the grant of the certificate or licence.

Caveat may be lodged with superintendent registrar against grant of licence or certificate, &c.

XIV. AND be it enacted, that after the said first day of March no marriage after such notice as aforesaid, unless by virtue of a licence to be granted by the superintendent registrar, shall be solemnized or registered in England until after the expiration of twenty-one days after the day of the entry of such notice as aforesaid; and no marriage shall be solemnized by the licence of any superintendent registrar or registered until after the expiration of seven days after the day of the entry of such notice as aforesaid [Rep., Stat. Law Rev. Act, 1874.]

Marriages after entry of notice not to be solemnized until after 21 days unless by licence.

XV. AND be it enacted, that whenever a marriage shall not be had within three calendar months after the notice shall have been so entered by the superintendent registrar, the notice and certificate, and any licence which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any registrar register the same, until new notice shall have been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

New notice, &c. required after three months.

XVI. AND be it enacted, that the superintendent's certificate, or, in case the parties shall have given notice to the superintendent of different districts, the certificate of each superintendent, shall be delivered to the officiating minister, if the marriage shall be solemnized according to the rites of the Church of England; and the said certificate or licence shall be delivered to the registering officer of the people called Quakers for the place where the marriage is solemnized, if the same shall be solemnized according to the usages of the said people; or to the officer of a synagogue by whom the marriage is registered, if the same shall be solemnized according to the usages of persons professing the Jewish religion; and in all other cases shall be delivered to the registrar present at the marriage, as herein-after provided.

Superintendent registrar's certificate or licence to be delivered to the person by or before whom the marriage is solemnized.

XVII. AND be it enacted, that it shall be lawful for the superintendent registrar of any union, parish, or place, . . . . . to appoint by writing under his hand such person or persons as he may think fit, with such qualifications as the registrar general, by any general rule, may declare to be necessary to be a registrar or registrars, for the purpose of being present at marriages to be solemnized by virtue of this Act

Superintendent registrar may appoint registrars of marriages.

at which the presence of



a registrar is made necessary ; and every such registrar of marriages shall hold his office during the pleasure of the superintendent registrar by whom he was appointed, or of the registrar general.

Certified places of worship may be registered for solemnizing marriages therein.

XVIII. AND be it enacted, that any proprietor or trustee of a separate building, certified according to law as a place of religious worship, may apply to the superintendent registrar of the district, in order that such building may be registered for solemnizing marriages therein, and in such case shall deliver to the superintendent registrar a certificate, signed in duplicate by twenty householders at the least, that such building has been used by them during one year at the least as their usual place of public religious worship, and that they are desirous that such place should be registered as aforesaid, each of which certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered ; and the superintendent registrar shall send both certificates to the registrar general, who shall register such building accordingly in a book to be kept for that purpose at the general register office ; and the registrar general shall indorse on both certificates the date of the registry, and shall keep one certificate with the other records of the general register office, and shall return the other certificate to the superintendent registrar, who shall keep the same with the other records of his office ; and the superintendent registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the registrar general, and shall give a certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the certificates are countersigned, and shall give public notice of the registry thereof by advertisement in some newspaper circulating within the county, and in the London Gazette ; and for every such entry, certificate, and publication, the superintendent registrar shall receive at the time of the delivery to him of the certificates the sum of three pounds.

On removal of the congregation the registry shall be cancelled ; but their new place of worship may be immediately registered, instead of the one disused.

XIX. AND be it enacted, that if at any time subsequent to the registry of any building for solemnizing marriages therein it shall be made to appear to the satisfaction of the registrar general that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the registrar general shall cause the registry thereof to be cancelled ; provided that if it shall be proved to the satisfaction of the registrar general that the same congregation use instead thereof some other such building for the purpose of public religious worship, the registrar general may substitute and register such new place of worship instead of the disused building, although such new place of worship may not have been used for that purpose during one year then next preceding ; and every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the registrar general by or through the superintendent registrar of the district ; and such cancel or substitution, when made, shall be made known by the registrar general to the superintendent registrar, who shall enter the fact and the date thereof in the book provided for the registry of such buildings, and shall certify and publish such cancel or substitution and registry in manner herein-before provided in the case of the original registry of the disused building ; and for every such substitution the superintendent registrar shall receive, at the time of the delivery of the certificate from the party requiring the substitution, the sum

of three pounds; and after such cancel or substitution shall have been made by the registrar general, it shall not be lawful to solemnize any marriage in such disused building, unless the same shall be again registered in the manner herein-before provided.

XX. AND be it enacted, that after the expiration of the said period of twenty-one days, or of seven days if the marriage is by licence, marriages may be solemnized in the registered building stated as aforesaid in the notice of such marriage, between and by the parties described in the notice and certificate, according to such form and ceremony as they may see fit to adopt: Provided nevertheless, that every such marriage shall be solemnized, with open doors, between the hours of eight and twelve in the forenoon, in the presence of some registrar of the district in which such registered building is situate, and of two or more credible witnesses; provided also, that in some part of the ceremony, and in the presence of such registrar and witnesses, each of the parties shall declare,

Marriages may be solemnized in such registered places, in the presence of some registrar and of two witnesses.

‘ I do solemnly declare, that I know not of any lawful impediment why  
‘ I, A.B., may not be joined in matrimony to C.D.’

And each of the parties shall say to the other,

‘ I call upon these persons here present to witness that I, A.B., do take  
‘ thee, C.D., to be my lawful wedded wife [or husband].’

Provided also, that there be no lawful impediment to the marriage of such parties.

XXI. AND be it enacted, that any persons, who shall object to marry under the provisions of this Act in any such registered building, may, after due notice and certificate issued as aforesaid, contract and solemnize marriage at the office and in the presence of the superintendent registrar and some registrar of the district, and in the presence of two witnesses, with open doors, and between the hours aforesaid, making the declaration and using the form of words herein-before provided in the case of marriage in any such registered building.

Marriages may be celebrated before the superintendent registrar.

XXII. AND be it enacted, that the registrar shall be entitled for every marriage which shall be solemnized under this Act in his presence to have from the parties married the sum of ten shillings, if the marriage shall be by licence, and otherwise the sum of five shillings.

Marriage fees to the registrar.

XXIII. AND be it enacted, that the registrar shall forthwith register every marriage solemnized in manner aforesaid in his presence in a marriage register book to be furnished to him for that purpose from time to time by the registrar general, according to the form provided for the registration of marriages by an Act made in this present session of Parliament, intituled “ An Act for registering births, deaths, and marriages in England,” the cost of which shall be defrayed in like manner as the cost of providing register books of births and deaths<sup>[\*]</sup>; and every entry of such marriage shall be signed by the person by or before whom the marriage shall have been solemnized, if there shall be any such person, and by the registrar, and also by the parties married, and attested by two witnesses; and every such entry shall be made in order from the beginning to the end of the book.

Registrar to register all marriages solemnized before him in a book to be furnished by the registrar general.

[\* See note to title of Act.]

Copies of the marriage register book to be given quarterly to the superintendent registrar.

XXIV. AND be it enacted, that in every year, on such days as shall from time to time be appointed by the registrar general, within one calendar month next after the first day of April, the first day of July, the first day of October, and the first day of January respectively, every registrar shall make and deliver to the superintendent registrar of his district a true copy, certified by him under his hand, according to the form of schedule (D.) to this Act annexed, of all the entries of marriage in the register book kept by him since the last delivery, and the superintendent registrar shall verify the same, and, if found to be correct, shall certify the same under his hand to be a true copy; and if there shall have been no marriage registered since the delivery of the last certified copy, the registrar shall certify the fact, and such certificate shall be delivered to the superintendent registrar as aforesaid, and countersigned by him; and the registrar shall keep safely the said register book until it shall be filled, and shall then deliver it to the superintendent registrar to be kept by him with the records of his office.

Proof of residence of parties, or consent, not necessary to establish the marriage, &c.

XXV. AND be it enacted, that after any marriage shall have been solemnized, it shall not be necessary in support of such marriage to give any proof of the actual dwelling of either of the parties previous to the marriage within the district wherein such marriage was solemnized for the time required by this Act, or of the consent of any person whose consent thereunto is required by law; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage. [Rep., Stat. Law Rev. Act, 1874.]

Bishops, with consent of patrons, &c. may license chapels for the solemnization of marriages in populous places.

XXVI. AND whereas it is expedient that provision should be made, under proper restrictions, for relieving the inhabitants of populous districts remote from the parish church, or from any chapel wherein marriages may be lawfully celebrated according to the rites and ceremonies of the Church of England, from the inconvenience to which they may be thereby subjected in the solemnization of their marriages: Be it therefore enacted, that, with the consent under the hand and seal of the patron and incumbent respectively of the church of the parish or district in which may be situated any public chapel with or without a chapelry thereunto annexed, or any chapel duly licensed for the celebration of divine service according to the rites and ceremonies of the Church of England, or any chapel the minister whereof is duly licensed to officiate therein according to the rites and ceremonies of the Church of England, or without such consent after two calendar months notice in writing given by the registrar of the diocese to such patron and incumbent respectively, the bishop of the diocese may, if he shall think it necessary for the due accommodation and convenience of the inhabitants, authorize by a licence under his hand and seal the solemnization of marriages in any such chapel for persons residing within a district the limits whereof shall be specified in the bishop's licence, and under such provisions as to the amount, appropriation, or apportionment of the dues, and as to other particulars, as to the said bishop may seem fit, and as may be specified in the said licence; provided that it shall be lawful for any patron or incumbent who shall refuse or withhold consent to the grant of any such licence to deliver to the bishop, under his or her hand and seal, a statement of the reasons for which such consent shall have been so refused or withholden; and no such licence shall be granted by any bishop until he shall have inquired into the matter of such reasons; and every instrument of consent of the patron and incumbent, or, if such consent be refused or withholden, a copy of the notice under the hand

of the registrar, and every statement of reasons alleged as aforesaid by the patron or incumbent, with the bishop's adjudication thereupon under his hand and seal, shall be registered in the registry of the diocese; and thenceforth and until the said licence be revoked marriages solemnized in such chapel shall be as valid to all intents and purposes as if the same had been solemnized in the parish church, or in any chapel where marriages might heretofore have been legally solemnized.

XXVII. AND be it enacted, that all fees, dues, and other emoluments on account of the solemnization of marriages which belong to the incumbent or clerk respectively of any church or chapel in any parish or district within which the solemnization of marriages shall be authorized as aforesaid, shall respectively be received, until the avoidance of such church or chapel next after the passing of this Act, for and on account of such incumbent, and, until the vacancy in the office of clerk next after the passing of this Act, for and on account of such clerk, and be paid over to them, except such portion of the fees, dues, or other emoluments, as the said bishop of the diocese, with the consent of the said incumbent and clerk respectively, shall in such aforesaid licence assign to the minister and clerk respectively of the chapel in which the solemnization of marriages shall be authorized as aforesaid; and that it shall be lawful for the said bishop in and by such licence, without any such consent, to declare that from and after such next avoidance or vacancy respectively the whole or such part of the fees, dues, and other emoluments on account of the solemnization of marriages in such last-mentioned chapel as shall be specified in such licence, shall be receivable, and the same shall thenceforth be received, by or for the minister and clerk of such chapel respectively.

Appropriation of fees on marriages performed in such chapels.

XXVIII. AND be it enacted, that when the said bishop shall authorize the solemnization of marriages in any such chapel as aforesaid, without the consent under the hand and seal of the patron and incumbent respectively, it shall be lawful for them or either of them to appeal within one calendar month to the archbishop of the province, who shall hear the same in a summary manner, and shall make such order confirming, revoking, or varying the licence so given, as to him shall seem meet and expedient; which order shall be registered in the registry of the diocese and shall be conclusive and binding on all parties whatsoever.

Patron or incumbent may appeal to the archbishop against such licences.

XXIX. AND be it enacted, that there shall be placed in some conspicuous part in the interior of every chapel, in respect of which such licence shall be given as aforesaid, a notice in the words following: "Marriages may be solemnized in this chapel." [Rep., Stat. Law Rev. Act, 1874.]

Notice of such licences to be affixed in chapels.

XXX. AND be it enacted, that all provisions which shall from time to time be in force relative to marriages, and to providing, keeping, and transmitting register books and copies of registers of marriages solemnized in any parish church, shall extend to any chapel in which the solemnization of marriages shall be authorized as aforesaid, in the same manner as if the same were a parish church, and everything required by law to be done relating thereto by the rector, vicar, curate, or churchwardens respectively of any parish church, shall be done by the officiating minister, chapelwarden, or other person exercising analogous duties in such chapel respectively.

Marriages performed in such chapels to be under the same regulations as those performed in parish churches.

XXXI. PROVIDED always, and be it enacted, that notwithstanding any such licence as aforesaid to solemnize marriages in any such chapel, the parties may, if they think fit, have their marriage solemnized in the parish church,

Option to parties to be married in parish church, &c.

or in any chapel in which heretofore the marriage of such parties or either of them might have been legally solemnized.

Bishop, with consent of archbishop, may revoke such licences;

XXXII. AND be it enacted, that any such licence or order may at any time be revoked by writing under the hand and seal of the bishop of the diocese, with the consent in writing of the archbishop of the province; and such revocation and consent shall be registered in the registry of the diocese, the registrar whereof shall notify the same in writing to the minister officiating in the chapel, and shall also give public notice thereof by advertisement in some newspaper circulating within the county and in the London Gazette; and thenceforth the authority to solemnize marriages in such chapel shall cease and determine.

in which case the registers shall be sent to the incumbent of the parish church, &c.

XXXIII. AND be it enacted, that in case of the revocation of the licence to solemnize marriages in any such chapel, all registers of marriages solemnized therein under such licence, which shall be in the custody or possession of the minister of such chapel at the time of such revocation, shall forthwith be transmitted to the incumbent or officiating minister of the parish church, and shall thenceforth be preserved, and in all other respects dealt with in the same manner, and be of the same force and validity, to all intents and purposes, as if they had been originally made and deposited with such incumbent or officiating minister; and that such incumbent or minister shall, when he next transmits to the superintendent registrar copies of the registers of marriages solemnized in such parish church, also therewith transmit copies of all such entries as shall have been made in such first-mentioned registers subsequent to the date of the last entry, a copy whereof was transmitted to the superintendent registrar, and shall also transmit to him one copy of every register book so transmitted to him, of which no copy shall have been already transmitted to the superintendent registrar, having first signed his name at the foot of the last entry therein.

Registrars of dioceses to send to the register office, yearly, lists of licensed chapels within their districts.

XXXIV. AND be it enacted, that the registrar of every diocese shall, within fifteen days after the said first day of March, and also within fifteen days after the first day of January in every succeeding year, make out and send through the post office, directed to the registrar general of births, deaths, and marriages, at his office, a list of all chapels belonging to the Church of England within that diocese, wherein marriages may lawfully be solemnized according to the rites and ceremonies of the Church of England, and shall distinguish in such list which have a parish, chapelry, or other recognized ecclesiastical division annexed to them, and which are chapels licensed by the bishop under this Act, and shall state therein the district for which each of such chapels is licensed according to the description thereof in the licence; and the registrar general shall in every year make out and cause to be printed a list of all such chapels, and also of all places of public worship registered under the provisions of this Act, and shall state in such list the county and registrar's district within which each chapel or registered building is situated, and shall add also the names and places of abode of the registrars and deputy registrars of each district, and of the superintendent registrars; and a copy of such list shall be sent to every registrar and superintendent registrar.

List of all chapels and buildings registered to be printed.

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Registrar may ask certain par-

XXXVI. AND be it enacted, that it shall be lawful for the registrar, before whom any marriage is solemnized according to the provisions of this Act, to

ask of the parties to be married the several particulars required to be registered touching such marriage.

particulars of parties.

XXXVII. AND be it enacted, that every person who shall enter a caveat with the superintendent registrar against the grant of any licence or issue of any certificate on grounds which the registrar general shall declare to be frivolous, and that they ought not to obstruct the grant of the licence, shall be liable for the costs of the proceedings, and for damages, to be recovered in a special action upon the case by the party against whose marriage such caveat shall have been entered.

Persons vexatiously entering caveat liable to costs and damages.

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XXXIX. AND be it enacted, that every person who after the said first day of March shall knowingly and wilfully solemnize any marriage in England, except by special licence, in any other place than a church or chapel in which marriages may be solemnized according to the rites of the Church of England, or than the registered building or office specified in the notice and certificate as aforesaid, shall be guilty of felony (except, in the case of a marriage between two of the Society of Friends commonly called Quakers, according to the usages of the said society, or between two persons professing the Jewish religion, according to the usages of the Jews); and every person who in any such registered building or office shall knowingly and wilfully solemnize any marriage in the absence of a registrar of the district in which such registered building or office is situated, shall be guilty of felony; and every person who shall knowingly and wilfully solemnize any marriage in England after the said first day of March (except by licence) within twenty-one days after the entry of the notice to the superintendent registrar as aforesaid, or if the marriage is by licence within seven days after such entry [Rep., Stat. Law Rev. Act, 1874.], or after three calendar months after such entry, shall be guilty of felony.

Persons unduly solemnizing marriages guilty of felony.

XL. AND be it enacted, that every superintendent registrar who shall knowingly and wilfully issue any certificate for marriage after the expiration of three calendar months after the notice shall have been entered by him as aforesaid, or any certificate for marriage by licence before the expiration of seven days after the entry of the notice, or any certificate for marriage without licence before the expiration of twenty-one days after the entry of the notice, or any certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue of the registrar's certificate, or who shall knowingly and wilfully register any marriage herein declared to be null and void, and every registrar who shall knowingly and wilfully issue any licence for marriage after the expiration of three calendar months after the notice shall have been entered by the registrar as aforesaid, or who shall knowingly and wilfully solemnize in his office any marriage herein declared to be null and void, shall be guilty of felony.

Superintendent registrars unduly issuing certificates, or registering or solemnizing marriages, guilty of felony.

XLI. AND be it enacted, that every prosecution under this Act shall be commenced within the space of three years after the offence committed.

Limitation of prosecutions.

XLII. AND be it enacted, that if any persons shall knowingly and wilfully intermarry after the said first day of March under the provisions of this Act in any place other than the church, chapel, registered building, or office or other place specified in the notice and certificate as aforesaid, or without due notice to the superintendent registrar, or without certificate of notice duly issued, or without licence, in case a licence is necessary under this Act, or in

Marriages void if unduly solemnized with the knowledge of both parties.

Proviso as to  
marriages  
under 4 Geo. 4.  
c. 76.

the absence of a registrar or superintendent registrar where the presence of a registrar or superintendent registrar is necessary under this Act, the marriage of such persons, except in any case herein-after excepted, shall be null and void : Provided always, that nothing herein contained shall extend to annul any marriage legally solemnized according to the provisions of an Act passed in the fourth year of his late Majesty George the Fourth, intituled "An Act for amending the laws respecting the solemnization of marriages in England."

\* \* \* \* \*

Provisions of  
Registry Act  
shall extend to  
this Act.

[XLIV.] AND be it enacted, that this Act shall be taken to be part of the said Act for registering births, deaths, and marriages, as fully and effectually as if incorporated therewith ; and that all the provisions and penalties of the said Act relating to any registrar or register of marriages, or certified copies thereof, shall be taken to extend to the registrars and registers of marriages to be solemnized under this Act, and to the certified copies thereof, so far as the same are applicable thereunto.

Extent of Act.

XLV. AND be it enacted, that this Act shall extend only to England, and shall not extend to the marriage of any of the Royal family.

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#### SCHEDULES to which this Act refers.

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#### SCHEDULE (D.)

I *John Cox*, registrar of the district of *Stepney* in the county of *Middlesex*, do hereby certify, that this is a true copy of the entries of marriage registered in the said district from the entry of the marriage of *John Wood* and *Ann Simpson*, Number *One*, to the entry of the marriage of *James Smith* and *Martha Green*, Number *Fourteen*. Witness my hand this *first* day of *July* 1837.

(Signed) *John Cox*,  
Registrar.

[The *italics* in this schedule to be filled up as the case may be.]

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#### CHAPTER LXXXVI.

AN ACT for registering Births, Deaths, and Marriages in England.

[17th August 1836.]

52 Geo. 3.  
c. 146.

4 Geo. 4. c. 76.

WHEREAS it is expedient to provide the means for a complete register of the births, deaths, and marriages of his Majesty's subjects in England : And whereas an Act passed in the fifty-second year of the reign of his late Majesty King George the Third, intituled " An Act for the better regulating parish and other registers of births, baptisms, marriages, and burials in England," and also an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled " An Act for amending the laws

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[\* See note to title of Act.]

“ respecting the solemnization of marriages in England,” are insufficient for the purpose aforesaid : . . . . .

II. AND be it enacted that it shall be lawful for his Majesty to provide a proper office in London or Westminster, to be called “ The General Register Office,” for keeping a register of all births, deaths, and marriages of his Majesty’s subjects in England, and to appoint for the said office under the great seal of the United Kingdom a registrar general of births, deaths, and marriages, in England, and from time to time at pleasure to remove the said registrar general, and appoint some other person in his room.

General register office to be provided in London or Westminster, and registrar general to be appointed.

III. AND be it enacted, that the lord treasurer or lords commissioners of his Majesty’s Treasury, or any three of them, or the registrar general, subject to the approval of the said lords commissioners, shall appoint from time to time such officers, clerks, and servants, as they shall deem necessary to carry on the business of the general registry office, and at pleasure remove them or any of them ; and the said lord treasurer or lords commissioners shall fix the salary of the registrar general, . . . . . and shall fix the salaries of the officers, clerks, and servants, in fit proportion according to the duties they may have to perform.

Treasury or registrar general to appoint officers and fix salaries.

\* \* \* \* \*

V. AND be it enacted, that one of his Majesty’s principal secretaries of state, or the registrar general with the approbation of such principal secretary, from time to time may make regulations for the management of the said register office, and for the duties of the registrar general, clerks, officers, and servants of the said office, and of the registrars, deputy registrars, and superintendent registrars herein-after mentioned, in the execution of this Act, so that they be not contrary to the provisions herein contained ; and the regulations so made and approved shall be binding on the said registrar general, clerks, officers, and servants, and on the registrars, deputy registrars, and superintendent registrars.

Regulations as to duties of officers to be framed by or under direction of secretary of state.

VI. AND be it enacted, that the registrar general shall send once in every year to one of the principal secretaries of state a general abstract of the number of births, deaths, and marriages registered during the foregoing year, in such form as the said secretary from time to time shall require ; and every such annual general abstract shall be laid before Parliament within one month after receipt thereof or after the meeting of Parliament.

Annual abstract of registers to be sent to secretary of state, and laid before Parliament.

VII. AND be it enacted, that the guardians of every union declared under the provisions of an Act passed in the fifth and sixth years of his present Majesty, intituled “ An Act for the amendment and better administration of “ the laws relating to the poor in England and Wales,” and also of every parish or place in which a board of guardians shall have been established under the provisions of the last-named Act, shall, on or before the first day of October in this year, if the said board of guardians shall have been established before the passing of this Act, or within three calendar months next after the establishment of the board, if the said board shall not have been established before the passing of this Act, divide the union or the parish or place of which they are the guardians into such and so many districts as they, subject to the approval of the registrar general, shall think fit ; and every such division when made shall be published by the guardians within the union, parish, or place of which they are guardians, in such manner as the said registrar general shall direct ; and every such district shall be called by a distinct name, and shall be

Guardians of unions, &c. under 4 & 5 Will. 4. c. 76. shall form districts and appoint registrars and superintendent registrars.



a registrar's district; and the guardians shall appoint a person, with such qualifications as the registrar general may by any general rule declare to be necessary, to be registrar of births and deaths within each district, and in every case of vacancy in the office of registrar shall forthwith fill up the vacancy; and the clerk to the guardians of every such union, parish, or place shall, if he shall think fit to accept such office, and have such qualifications as the registrar general may by any general rule declare to be necessary, be the superintendent registrar thereof; and in the event of his refusal or disqualification to act in that capacity the guardians shall appoint a person, with such qualifications as the registrar general may by any general rule declare to be necessary, to be the superintendent registrar of each union, or of such parish or place, and in every case of vacancy of the office of superintendent registrar shall forthwith fill up the vacancy; and every registrar and superintendent registrar shall hold his office during the pleasure of the registrar general.

Officers of unions, &c. removed by poor law commissioners, &c. to cease to act under this Act.

VIII. PROVIDED always, and be it enacted, that in every case in which the clerk to the guardians of any union, parish, or place, or any other officer of any such union, parish, or place, shall hold any office under this Act, and shall be removed by the poor law commissioners from his office in such union, parish, or place, and in every case in which any registrar or superintendent registrar shall be removed by the registrar general from his office under this Act, notice of such removal shall be forthwith given by advertisement in some newspaper circulating in the county wherein the district for which such officer may act shall be; and every such person shall thenceforth cease to hold his office under this Act, and shall be incapable of being re-appointed thereto: Provided also, that the appointment of any officer of any such union, parish, or place to any office under this Act shall be subject to the approval of the poor law commissioners, except as herein-before directed with respect to the clerk to guardians of any such union, parish, or place.

Appointments of officers of unions, &c. to act under this Act shall be approved by poor law commissioners.

Register offices to be provided in each union, &c.

IX. AND be it enacted, that the guardians shall provide and uphold, out of the monies coming to their hands or control as such guardians, a register office, according to a plan to be approved by the registrar general, for preserving the registers to be deposited therein, as herein-after provided; and the care of the said office and the custody of the registers deposited therein shall be given to the superintendent registrar of the union or parish or place having a board of guardians as aforesaid.

Temporary registrars and superintendent registrars to be appointed for parishes not under the Poor Law Act.

X. AND be it enacted, that the poor law commissioners for England and Wales shall, as soon as may be after the said first day of October, form all the parishes, townships, and places in England, in or for which a board of guardians shall not have been then established under the provisions of the said Act for the amendment of the laws relating to the poor, into temporary districts, having regard in the formation thereof to the boundaries of parishes and townships, and shall appoint a registrar to each of such temporary districts<sup>[1]</sup>, subject to being displaced as herein-after provided; and the registrar general shall appoint a sufficient number of fit persons to be superintendent registrars for such temporary districts, subject to being displaced as herein-after provided, and shall appoint the districts which each shall superintend.

[\* So much of this Act as provides that the poor law commissioners shall appoint a registrar to the temporary districts herein referred to, rep., 31 & 32 Vict. c. 122. s. 26.]

XI. AND be it enacted, that in every case in which a board of guardians shall be established, under the provisions of the said Act for the amendment of the laws relating to the poor, in or for any parish, township, or place forming part of any temporary district in or for which a registrar or superintendent registrar shall have been previously appointed as last aforesaid, and as soon as a registrar or registrars shall have been appointed for the districts into which the guardians shall have divided the union or parish or place of which they are guardians as aforesaid, and the clerk of the guardians of such union, parish, or place shall have accepted the office of superintendent registrar, or the said guardians shall have appointed a superintendent registrar for such districts, in like manner as in the unions formed before the passing of this Act, every such parish or place shall cease to be a part of the temporary district to which it was so annexed by the poor law commissioners, and every registrar, deputy registrar, and superintendent registrar, appointed before the election of such board of guardians as aforesaid in or for such parish, township, or place, shall cease to hold their respective offices, so far as relates to such parish, township, or place, unless re-appointed.

In case of subsequent unions previous appointments to be vacated.

\* \* \* \* \*

XIII. AND be it enacted, that the appointments of registrars, deputy registrars, and superintendent registrars, and the duplicates and certified copies of registers herein-after mentioned, shall be exempt from all stamp duties.

Appointments, &c. to be exempt from stamp duties.

XIV. AND be it enacted, that the registrar general shall furnish to every superintendent registrar, for the use of the registrars under his superintendence, a sufficient number of strong iron boxes to hold the register books to be kept by such registrar; and every such box shall be furnished with a lock and two keys, and no more; and one of such keys shall be kept by the registrar, and the other key shall be kept by the superintendent registrar; and the register books of each district, while in the custody of the registrar and not in use, shall be always kept in the register box, and the register box shall always be left locked.

Register boxes to be provided.

XV. AND be it enacted, that in every case in which any registrar or superintendent registrar shall be removed from or cease to hold the said office, all register boxes, keys, books, documents, and papers in his possession as such registrar or superintendent registrar shall be given as soon as conveniently may be to his successor in office; and if any person shall refuse to give up any such box, key, books, documents, or papers in such case as aforesaid, it shall be lawful for any justice of the peace for the county or other jurisdiction where such person shall be or reside, upon application made for that purpose, to issue a warrant under his hand and seal for bringing such person before any two justices of the peace for the said county or other jurisdiction; and upon such person appearing or not being found, it shall be lawful for such justices to hear and determine the matter in a summary way; and if it shall appear to the justices that any such box, key, books, documents, or papers are in the custody or power of any such person, and that he has refused or wilfully neglected to deliver the same, the said justices are hereby required to commit such offender to the common gaol or house of correction for the said county or jurisdiction, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in

All books, &c. to be transferred, on removal of registrar, to his successor.

respect thereof to the person in whose custody the same ought to be; and the said justices may grant a warrant to search for such box, key, books, documents, or papers, as in the case of stolen goods, in any dwelling house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be; and the same when found shall be delivered to the person in whose custody they ought to be.

\* \* \* \* \*

Register books  
to be provided.

XVII. AND be it enacted, that the registrar general shall cause to be printed on account of the said register office a sufficient number of register books for making entries of all births, deaths, and marriages of his Majesty's subjects in England, according to the forms of schedules (A.) (B.) (C.) to this Act annexed; and the said register books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of births, deaths, and marriages respectively; and every page of each of such books shall be numbered progressively from the beginning to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the book, beginning with number one; and every entry shall be divided from the following entry by a printed line.

Registrar  
general to  
furnish register  
books for use  
of registrars,  
&c.

XVIII. AND be it enacted, that the registrar general shall furnish to every superintendent registrar, for the use of the registrars under his superintendence, a sufficient number of register books of births and of register books of deaths, and of forms for certified copies thereof, . . . . .; and every registrar shall be authorized and is hereby required to inform himself carefully of every birth and every death which shall happen within his district after the said first day of March, and to learn and register, as soon after the event as conveniently may be done, without fee or reward, save as herein-after mentioned, in one of the said books, the particulars required to be registered according to the forms in the said schedules (A.) and (B.) respectively touching every such birth or every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book [Rep., 37 & 38 Vict. c. 88. s. 54.].

\* \* \* \* \*

Registrars to  
make out ac-  
counts quar-  
terly.

Guardians or  
overseers to  
pay registrars.

XXIX. AND be it enacted, that every registrar shall make out an account four times in every year of the number of births and deaths which he shall have registered since the last quarterly account, and the superintendent registrar shall verify and sign the same; and the guardians or overseers of the parish, township, or place in or for which he shall be registrar, on production of the said account so verified and signed, shall pay to the said registrar, out of the monies in their hands or power as such guardians or overseers, such sums as he shall be entitled to receive on the said account according to the following scale; (that is to say,) for the first twenty entries of births and deaths in every year which he shall have registered, whether the same be of births or of deaths indiscriminately, two shillings and sixpence each, and one shilling for every subsequent entry of births or deaths in each year; and in the case of an union the said several sums shall be charged to the account of the parishes in which such births or deaths respectively shall have occurred.

Marriage regis-  
ter books to be  
furnished to  
rectors, &c.

XXX. AND be it enacted, that the registrar general shall furnish or cause to be furnished to the rector, vicar, or curate of every church and chapel in England wherein marriages may lawfully be solemnized, and also to every

person whom the recording clerk of the Society of Friends commonly called Quakers, at their central office in London, shall from time to time certify in writing under his hand to the registrar general to be a registering officer in England of the said society, and also, to every person whom the president for the time being of the London committee of deputies of the British Jews shall from time to time certify in writing under his hand to the registrar general to be the secretary of a synagogue in England of persons professing the Jewish religion, a sufficient number in duplicate of marriage register books, and forms for certified copies thereof, as herein-after provided; . . . . .

XXXI. AND be it enacted, that every clergyman of the Church of England, immediately after every office of matrimony solemnized by him, shall register in duplicate in two of the marriage register books the several particulars relating to that marriage according to the form of the said schedule (C.); and every such registering officer of the Quakers, as soon as conveniently may be after the solemnization of any marriage between two Quakers in the district for which he is registering officer, and every such secretary of a synagogue, immediately after every marriage solemnized between any two persons professing the Jewish religion, of whom the husband shall belong to the synagogue whereof he is secretary, shall register or cause to be registered in duplicate in two of the said marriage register books the several particulars relating to that marriage according to the form of the said schedule (C.); and every such registering officer or secretary, whether he shall or shall not be present at such marriage, shall satisfy himself that the proceedings in relation thereto have been conformable to the usages of the said society, or of the persons professing the Jewish religion, as the case may be; and every such entry as herein-before is mentioned (whether made by such clergyman or by such registering officer or secretary respectively as aforesaid) shall be signed by the clergyman or by the said registering officer or secretary, as the case may be, and by the parties married, and by two witnesses, and shall be made in order from the beginning to the end of each book, and the number of the place of entry in each duplicate marriage register book shall be the same.

Marriage registers to be kept in duplicate.

XXXII. AND be it enacted, that in the months of April, July, October, and January, on such days as shall from time to time be appointed by the registrar general, every registrar shall make, and deliver to the superintendent registrar of his district, on durable materials, a true copy, certified by him under his hand according to the form of schedule (D.) to this Act annexed, of all the entries of births and deaths in the register book kept by him since the last certificate, the first of such certificates to be given in the month of July in the year one thousand eight hundred and thirty-seven, and to contain all the entries made up to that time; and the superintendent registrar shall verify the same, and, if found to be correct, shall certify the same under his hand to be a true copy; and if there shall have been no birth or death registered since the delivery of the last certificate, the registrar shall certify the fact, and such certificate shall be delivered to the superintendent registrar as aforesaid, and countersigned by him; and the registrar shall keep safely each of the said register books until it shall be filled, and shall then deliver it to the superintendent registrar, to be kept by him with the records of his office.

Certified copies of registers of births and deaths to be sent quarterly, and the register books, when filled, to the superintendent registrar.

Certified copies and duplicates of registers of marriages to be sent to superintendent registrar.

XXXIII. AND be it enacted, that the rector, vicar, or curate of every such church and chapel, and every such registering officer and secretary, shall, in the months of April, July, October, and January respectively, make and deliver to the superintendent registrar of the district in which such church or chapel may be situated, or which may be assigned by the registrar general to such registering officer or secretary, on durable materials, a true copy certified by him under his hand of all the entries of marriages in the register book kept by him since the last certificate, the first of such certificates to be given in the month of July one thousand eight hundred and thirty-seven, and to contain all the entries made up to that time, and, if there shall have been no marriage entered therein since the last certificate, shall certify the fact under his hand, and shall keep the said marriage register books safely until the same shall be filled; and one copy of every such register book, when filled, shall be delivered to the superintendent registrar of the district in which such church or chapel may be situated, or which shall have been assigned as aforesaid to such registering officer or secretary, and the other copy of every such register book kept by any such rector, vicar, or curate, shall remain in the keeping of such rector, vicar, or curate, and shall be kept by him with the registers of baptisms and burials of the parish or chapelry within which the marriages registered therein shall have been solemnized; and the other copy of every such register book of marriages among the people called Quakers, and among persons professing the Jewish religion respectively, shall remain under the care of the said people or persons respectively, to be kept with their other registers and records, and shall, for the purposes of this Act, be still deemed to be in the keeping of the registering officer or secretary for the time being respectively.

Superintendent registrars to send certified copies of registers to the registrar general, &c.

XXXIV. AND be it enacted, that every superintendent registrar shall four times in every year, on such days as shall be therefore named by the registrar general, send to the registrar general all the certified copies of the registers of births, deaths, and marriages, which he shall have so received during the three calendar months next preceding such quarterly days of transmission respectively; and if it shall appear, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, he shall procure, as far as possible, consistently with the provisions of this Act, that the same may be remedied and supplied; and every such superintendent registrar shall be entitled to receive the sum of twopence for every entry in such certified copies; and every superintendent registrar shall make out an account four times in every year of the number of entries in the certified copies sent to him during the last quarter; and the certified copies so sent to the general registry office shall be thereafter kept in the said office in such order and manner as the registrar general, under the direction of the secretary of state, shall think fit, so that the same may be most readily seen and examined.

Searches may be made, and certificates given by the persons keeping the registers.

XXXV. AND be it enacted, that every rector, vicar, or curate, and every registrar, registering officer, and secretary, who shall have the keeping for the time being of any register book of births, deaths, or marriages, shall at all reasonable times allow searches to be made of any register book in his keeping, and shall give a copy certified under his hand of any entry or entries in the

same, on payment of the fee herein-after mentioned ; (that is to say,) for every search extending over a period not more than one year the sum of one shilling, and sixpence additional for every additional year, and the sum of two shillings and sixpence for every single certificate.

\* \* \* \* \*

XXXVII. AND be it enacted, that the registrar general shall cause indexes of all the said certified copies of the registers to be made and kept in the general register office ; and that every person shall be entitled, on payment of the fees herein-after mentioned, to search the said indexes between the hours of ten in the morning and four in the afternoon of every day, except Sundays, Christmas Day, and Good Friday, and to have a certified copy of any entry in the said certified copies of the registers ; and for every general search of the said indexes shall be paid the sum of twenty shillings, and for every particular search the sum of one shilling, and for every such certified copy the sum of two shillings and sixpence, and no more, shall be paid to the registrar general or such other officer as shall be appointed for that purpose on his account.

Indexes to be kept at general register office, searches allowed, and certified copies given.

XXXVIII. AND be it enacted, that the registrar general shall cause to be made a seal of the said register office, and the registrar general shall cause to be sealed or stamped therewith all certified copies of entries given in the said office ; and all certified copies of entries purporting to be sealed or stamped with the seal of the said register office shall be received as evidence of the birth, death, or marriage to which the same relates, without any further or other proof of such entry ; and no certified copy purporting to be given in the said office shall be of any force or effect which is not sealed or stamped as aforesaid.

Certified copies given at general registry office to be sealed ; and to be received as evidence.

XXXIX. AND be it enacted, that every sum received under the provisions of this Act by or on account of the registrar general shall be accounted for and paid by the registrar general, at such times as the lords commissioners of the Treasury from time to time shall direct, into the Bank of England, to the credit of his Majesty's Exchequer, . . . . .

Fees for searches in the general register office to be accounted for to the Exchequer.

XL. AND be it enacted, that it shall be lawful for every clergyman of the Church of England who shall solemnize any marriage in England, and for every registering officer of the Quakers, and every secretary of a synagogue, after the said first day of March to ask of the parties married the several particulars herein required to be registered touching such marriage.

Clergymen, &c. may ask parties married the particulars required to be registered.

[XLI.] AND be it enacted, that every person who shall wilfully make or cause to be made, for the purpose of being inserted in any register of birth, death, or marriage, any false statement touching any of the particulars herein required to be known and registered, shall be subject to the same pains and penalties as if he were guilty of perjury.

Penalty for wilfully giving false information.

[XLII.] AND be it enacted, that every person who shall refuse or without reasonable cause omit to register any marriage solemnized by him, or which he ought to register, and every registrar who shall refuse or without reasonable cause omit to register any birth or death of which he shall have had due notice as aforesaid, and every person having the custody of any register

Penalty for not duly registering births, deaths, and marriages, or for losing or injuring the registers.

[\* So much of sections 41 and 42 as relates to registrars or registers of births and deaths, rep., 37 & 38 Vict. c. 88. s. 54.]

book, or certified copy thereof, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding fifty pounds for every such offence.

Penalty for  
destroying or  
falsifying regis-  
ter books, &c.

XLIII. AND be it enacted, that every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such register book, or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register book or certified copy thereof, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry of any birth, death, or marriage, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same register to be false in any part thereof, or shall forge or counterfeit the seal of the register office, shall be guilty of felony. [Section 43 is rep., except as to Scotland, so far as it forms part of the law of Scotland, 24 & 25 Vict. c. 95. s. 1.]

Accidental  
errors may be  
corrected.

[XLIV.\*] PROVIDED always, and be it enacted, that no person charged with the duty of registering any birth, death, or marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be therefore liable to any of the penalties aforesaid, if within one calendar month next after the discovery of such error, in the presence of the parents of the child whose birth may have been so registered, or of the parties married, or of two persons attending upon any person in his or her last illness whose death may have been so registered, or, in case of the death or absence of the respective parties aforesaid, then in the presence of the superintendent registrar and of two other credible witnesses who shall respectively attest the same, he shall correct the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made: Provided also, that in the case of a marriage register he shall make the like marginal entry, attested in like manner in the duplicate marriage register book to be made by him as aforesaid, and in every case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid, or, in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

Recovery of  
penalties.

XLV. AND be it enacted, that all fines and forfeitures by this Act imposed, unless otherwise directed, shall be recovered before any two justices of the peace for the county, city, or place where the offence shall have happened, upon the information or complaint of any person [Rep., 37 & 38 Vict. c. 88. s. 54.]; . . . . .

Appeal.

XLVI. AND be it enacted, that in all cases where the sum adjudged to be paid on any such summary conviction shall exceed five pounds, any person convicted may appeal to the next court of general or quarter sessions which shall be holden not sooner than twelve days after the day of such conviction for the county or other district wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a justice of the peace, con-

[\* So much of section 44 as relates to registrars or registers of births and deaths, rep., 37 & 38 Vict. c. 88. s. 54.]

ditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizances being entered into, the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs, to either party, as to the court shall seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

XLVII. AND be it enacted, that no such conviction or adjudication made on appeal therefrom shall be quashed for want of form, or be removed by certiorari or otherwise into any of his Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction to sustain the same.

Conviction not to be quashed for want of form, &c.

\* \* \* \* \*

XLIX. PROVIDED always, and be it enacted, that nothing herein contained shall affect the registration of baptisms or burials as now by law established, or the right of any officiating minister to receive the fees now usually paid for the performance or registration of any baptism, burial, or marriage.

Registers of baptisms and burials to be kept as heretofore, &c.

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## SCHEDULES to which this Act refers.

## SCHEDULE (A.)

1836.—BIRTHS in the District of <i>Marylebone, North</i> , in the County of <i>Middlesex</i> .										
No.	When Born.	Name, if any.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Description, and Residence of Informant.	When registered.	Signature of Registrar.	Baptismal Name if added after Registration of Birth.
	<i>7th January</i>	<i>James.</i>	<i>Boy.</i>	<i>William Green.</i>	<i>Rebecca Green, formerly Jennings.</i>	<i>Carpenter.</i>	<i>William Green, father, carpenter, 17, North Street, Marylebone.</i>	<i>9 January</i>	<i>John Cox, registrar.</i>	

The words and figures in *italics* in this schedule to be filled in as the case may be.

## SCHEDULE (B.)

1836.—DEATHS in the District of <i>Mary-le-bone, North</i> , in the County of <i>Middlesex</i> .									
No.	When Died.	Name and Surname.	Sex.	Age.	Rank or Profession.	Cause of Death.	Signature, Description, and Residence of Informant.	When registered.	Signature of Registrar.
17	4 February	William Green.	Male.	43	Carpenter.		Rebecca Green, widow, 17, North Street, Mary-le-bone.	5 February.	John Cox, registrar.

[The words and figures in *italics* in this schedule to be filled in according as the case may be.]

SCHEDULE (C.)

1836.—MARRIAGES solemnized at the Parish Church in the Parish of Mary-le-bone in the County of Middlesex.

No.	When married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	17 March 1836.	William Hastings. Sophia Ann Mitchell.	Of full age. Minor.	Bachelor. Spinster.	Carpenter. —	3, South Street. 17, High Street.	Peter Hastings. Geoffry Mitchell.	Upholsterer. Butcher.

Married in the parish church, according to the rites and ceremonies of the Established Church, by licence, or after banns, by me,  
This marriage was solemnized { William Hastings, in the { John Hastings.  
between us, . Sophia Anne Mitchell, } presence of us, { Geoffry Mitchell.  
James Hollingshead, vicar.

The words and figures in italics in this schedule to be filled in as the case may be.

## SCHEDULE (D.)

I *John Cox*, registrar of births and deaths in the *district of Mary-le-bone, North*, in the county of *Middlesex*, do hereby certify, that this is a true copy of the registrar's book of births [or deaths] within the said *district*, from the entry of the birth [or death] of *James Green*, No. 1, to the entry of the birth [or death] of *William Strange*, No. 34. Witness my hand this *seventh* day of *March* 1838.

*John Cox*, registrar.

\* \* \* \* \*

[The words and figures in *italics* in the above schedules to be filled in as the case may be.]

## CHAPTER LXXXVII.

AN ACT for extinguishing the Secular Jurisdiction of the Archbishop of York and the Bishop of Ely in certain Liberties in the Counties of York, Nottingham, and Cambridge. [17th August 1836.]

Secular jurisdiction of archbishop of York in the places herein mentioned to cease.

**W**HEREAS it is expedient to put an end to the secular jurisdiction of the archbishop of York in the liberty of Ripon in the west and north ridings of the county of York, and in the liberty of Cawood, Wistow, and Otley in the said west riding, and in the soke of Southwell in the county of Nottingham, and to the secular jurisdiction of the bishop of Ely in the Isle of Ely in the county of Cambridge: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all the secular authority of the archbishop of York in the said liberty of Ripon, and in the said liberty of Cawood, Wistow, and Otley, and in the said soke of Southwell, shall, from and after the passing of this Act, cease and determine, and shall become and be transferred to and vested in his Majesty, his heirs and successors.

Towns, &c. over which his jurisdiction extended to enjoy their privileges as heretofore.

II. AND be it further enacted, that the several towns, parishes, and places within the said liberty of Ripon, and the said liberty of Cawood, Wistow, and Otley respectively, shall severally be deemed and taken to be distinct liberties, in the same way as they have heretofore been, and shall enjoy all the same rights, privileges, and exemptions, which they have heretofore enjoyed, save only that all secular powers and authorities heretofore exercised by the archbishop of York within the said liberties, or either of them, shall henceforth be exercised by his Majesty, his heirs and successors;

Justices of peace for Southwell.

III. AND be it further enacted, that no new commission of the peace shall be henceforth issued for the said soke of Southwell, but the justices of the peace for the said county of Nottingham shall within the said soke of Southwell exercise the same jurisdiction, both in and out of sessions, as within every other part of such county; any charter or custom to the contrary notwithstanding.

Secular jurisdiction of

IV. AND be it further enacted, that all the secular authority of the bishop of Ely in the Isle of Ely in the county of Cambridge, and all authority of the

chief justice of Ely heretofore appointed by the bishop of Ely, shall, from and after the passing of this Act, cease and determine; and all the secular authority of the said bishop shall become and be vested in his Majesty, his heirs and successors: . . . . .

bishop of Ely,  
&c. to cease.

V. AND be it further enacted, that the county rates for the said liberty of Ripon and for the said Isle of Ely shall remain, as heretofore, distinct from the rates for the rest of the counties of York and Cambridge respectively, and shall be assessed and levied and paid and applied by and under the order and direction of the justices of the peace for the said liberty and isle respectively as if the same were separate counties, but in all other respects under the same regulations as are applicable to the rates of other counties in England.

County rates of  
Ripon and Isle  
of Ely.

VI. AND be it enacted, that the custos rotulorum of the said west riding of Yorkshire shall become the keeper of the records of the court of sessions of the peace of the said liberty of Ripon, and of the said liberty of Cawood, Wistow, and Otley; and that the custos rotulorum of the said county of Nottingham shall become the keeper of the records of the court of sessions of the peace of the said soke of Southwell; and that the records of the said several courts shall be delivered to the said respective keepers accordingly.

Custos rotulo-  
rum of west  
riding and of  
Nottingham-  
shire to be  
keepers of re-  
cords of court  
of sessions of  
Ripon, &c. and  
Southwell.

VII. AND be it enacted, that it shall be lawful for his Majesty, his heirs and successors, to appoint from time to time such person as he and they shall think fit to be custos rotulorum of the said Isle of Ely.

Custos rotulo-  
rum of Ely to  
be appointed  
by his Majesty.

VIII. AND be it enacted, that the assizes and sessions under the commissions of gaol delivery and other commissions for the despatch of civil and criminal business in the said county of Cambridge, including the said Isle of Ely, shall be holden in such manner and at such place or places as shall be directed by his Majesty in council under the provisions of an Act passed in the third and fourth years of his present Majesty's reign, intituled "An Act for the appointment of convenient places for the holding of assizes in England and Wales."

Assizes, &c.  
for Ely to be  
held under  
3 & 4 Will. 4.  
c. 71.

IX. AND be it further enacted, that separate commissions of the peace shall continue to be issued for the said two liberties and isle respectively as heretofore; and the sessions of the peace for the said liberties and isle respectively shall be holden by and before the justices of the peace for the time being acting in and for the said liberties and isle respectively in like manner as the same have hitherto been holden.

Commissions  
of the peace  
and sessions to  
be issued and  
held for liberty  
of Ripon, &c.  
as heretofore.

X. AND be it further enacted, that the present clerks of the peace for the said liberty of Ripon, and for the said liberty of Cawood, Wistow, and Otley, and for the said Isle of Ely respectively, shall continue clerks of the peace for the said liberties and isle respectively during their lives, or until resignation or other determination of their offices; and that thenceforth the clerks of the peace for the said liberty of Ripon, and for the said liberty of Cawood, Wistow, and Otley, shall be appointed by the custos rotulorum of the said west riding for the time being, and the clerk of the peace for the said Isle of Ely shall be appointed by the custos rotulorum thereof for the time being, and shall be subject and liable to the same laws in all respects as the clerks of the peace in other counties of England; and that the present coroner of the liberty of Ripon shall continue coroner during his life, or so long as he shall well behave himself; and upon the death, removal, or resignation of such coroner, and

Clerks of the  
peace for  
liberty of  
Ripon, &c.

Coroner of  
Ripon.

upon every future vacancy of the office, a coroner shall be chosen by the freeholders of the said liberty of Ripon in like manner as coroners are chosen in the case of other counties or divisions of counties in England.

Who shall be qualified to serve on juries in Ripon.

XI. AND be it enacted, that all persons residing within the said liberty of Ripon, who by the laws now in force would be qualified and liable to serve on grand juries in courts of sessions of the peace, and on petty juries for the trial of issues in courts of sessions of the peace, holden for the county of York, if the said liberty were destroyed and the district comprised therein made for all purposes part of the said county, shall be qualified and liable to serve on such juries in courts of sessions of the peace holden within the said liberty; and all persons who by the laws now in force would be exempted from serving on such juries, if the said district were for all purposes made part of the said county, shall in like manner be exempted from serving on such juries within said liberty.

Chief bailiff of the Isle of Ely.

XII. AND be it further enacted, that the present chief bailiff for the said Isle of Ely shall continue chief bailiff of the said isle until resignation or other determination of his office; and that thenceforth it shall be lawful for his Majesty, his heirs and successors, to appoint from time to time such person as he or they shall think fit to be chief bailiff of the said isle.

Gaol at Ely abolished, and prisoners to be confined in Cambridge gaol.

XIII. AND be it further enacted, that no person shall from and after the passing of this Act be committed to the gaol at Ely, but all persons who, if this Act had not passed, might have been committed to or confined in such gaol, may be committed to and confined in the gaol at Cambridge; and the justices of the said Isle of Ely shall have full power to commit to the said gaol at Cambridge; . . . . .

Houses of correction and their keepers to remain

XIV. AND be it enacted, that the houses of correction at Ely and Wisbech in the said isle shall remain, and the present keepers thereof shall be continued in office during the pleasure of the justices of the peace for the said isle in quarter sessions assembled; and the keepers thereof shall be appointed by the said justices so assembled as in other counties of England.

Regulations respecting juries in Ely.

XV. AND be it enacted, that all the regulations respecting juries and jurors for counties in England shall after the passing of this Act be applied to the Isle of Ely as well as to the rest of the county of Cambridge; and the sheriff of the counties of Cambridge and Huntingdon shall have the same power of summoning jurors in the said Isle of Ely which he has in the rest of the said county of Cambridge; and all persons residing in the said isle shall be liable to serve on juries for the said county in the same manner as persons residing in other parts of the same county.

Coroners of Isle of Ely.

XVI. AND be it enacted, that the present coroners of the said Isle of Ely shall continue coroners respectively during their respective lives, or so long as they shall respectively well behave themselves; and that upon the death, removal or resignation of either of them, and upon every future vacancy of the office, a coroner shall be chosen by the freeholders of the said isle in like manner as coroners are chosen in the case of other counties or divisions of counties of England; and the said coroners for the time being shall be entitled to demand and take the same fees, recompence, and benefit as are given to or provided for the coroners by an Act made and passed in the twenty-fifth year of the reign of his late Majesty King George the Second, intituled "An Act

25 Geo. 2. c. 29.

" for giving a proper reward to coroners for the due execution of their office,

“ and for the removal of coroners on lawful conviction of certain misdemeanors,”  
and shall as such coroners be subject to all the provisions of the said Act.

\* \* \* \* \*

XIX. AND be it further enacted, that nothing in this Act contained shall affect the right of any person holding a patent for his life of any office, whether abolished by this Act or not, to receive during his life any fee or stipend granted by such patent out of the revenues of the said respective sees.

Reservation of  
patent fees to  
patentees for  
life.

XX. AND be it further enacted, that nothing herein-before contained shall have the effect of severing or separating from the said archbishoprick or bishoprick any lordships, manors, houses, lands, tenements, tithes, rents, collieries, mines, minerals, rectories, advowsons, profits or emoluments of any kind or description whatsoever, whether held in right of the said sees, other than and except only any profits and emoluments hereinbefore expressly mentioned and directed to be severed therefrom.

Reservation of  
all lands and  
profits to the  
sees.

## CHAPTER LXXXIX.

AN ACT to provide for the Attendance and Remuneration of Medical Witnesses  
at Coroners Inquests. [17th August 1836.]

WHEREAS it is expedient to provide for the attendance of medical witnesses at coroners inquests, also remuneration for such attendance, and for the performance of post-mortem examinations at such inquests: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, whenever upon the summoning or holding of any coroner's inquest it shall appear to the coroner that the deceased person was attended at his death or during his last illness by any legally qualified medical practitioner, it shall be lawful for the coroner to issue his order, in the form marked (A.) in the schedule hereunto annexed, for the attendance of such practitioner as a witness at such inquest; and if it shall appear to the coroner that the deceased person was not attended at or immediately before his death by any legally qualified medical practitioner, it shall be lawful for the coroner to issue such order for the attendance of any legally qualified medical practitioner being at the time in actual practice in or near the place where the death has happened; and it shall be lawful for the coroner, either in his order for the attendance of the medical witness, or at any time between the issuing of such order and the termination of the inquest, to direct the performance of a post-mortem examination, with or without an analysis of the contents of the stomach or intestines, by the medical witness or witnesses who may be summoned to attend at any inquest; provided that if any person shall state upon oath before the coroner that in his or her belief the death of the deceased individual was caused partly or entirely by the improper or negligent treatment of any medical practitioner or other person, such medical practitioner or other person shall not be allowed to perform or assist at the post-mortem examination of the deceased.

Coroner may  
summon medi-  
cal witnesses,  
and direct the  
performance of  
a post-mortem  
examination.

II. AND be it further enacted, that whenever it shall appear to the greater number of the jurymen sitting at any coroner's inquest, that the cause of

A majority of  
the jury may  
require the

coroner to summon additional medical evidence if the first be not satisfactory, &c.

death has not been satisfactorily explained by the evidence of the medical practitioner or other witness or witnesses who may be examined in the first instance, such greater number of the jurymen are hereby authorized and empowered to name to the coroner in writing any other legally qualified medical practitioner or practitioners, and to require the coroner to issue his order, in the form herein-before mentioned, for the attendance of such last-mentioned medical practitioner or practitioners as a witness or witnesses, and for the performance of a post-mortem examination, with or without an analysis of the contents of the stomach or intestines, whether such an examination has been performed before or not; and if the coroner, having been thereunto required, shall refuse to issue such order, he shall be deemed guilty of a misdemeanor, and shall be punishable in like manner as if the same were a misdemeanor at common law.

Fees to medical witnesses.

III. AND be it further enacted, that when any legally qualified medical practitioner has attended upon any coroner's inquest in obedience to any such order as aforesaid of the coroner, the said practitioner shall for such attendance at any inquest in Great Britain be entitled to receive such remuneration or fee as is mentioned in the table marked (B.) in the schedule hereunto annexed; and for any inquest held in Ireland, the said practitioner shall be paid in the manner provided by the laws in force in that part of the United Kingdom; and the coroner is hereby required and commanded to make, according to the form marked (C.) in the schedule hereunto annexed, his order for the payment of such remuneration or fee, when the inquest shall be held in Great Britain, and such order may be addressed and directed to the churchwardens and overseers of the parish or place in which the death has happened [Rep., 7 Will. 4. & 1 Vict. c. 68. s. 2.];

No fee for a post-mortem examination instituted without order from the coroner.

IV. PROVIDED nevertheless, and be it further enacted, that no order of payment shall be given, or fee or remuneration paid, to any medical practitioner for the performance of any post-mortem examination which may be instituted without the previous direction of the coroner.

No fees to medical officers of public institutions for attending inquests on bodies of persons dying therein.

V. PROVIDED also, and be it further enacted, that when any inquest shall be holden on the body of any person who has died in any public hospital or infirmary, or in any building or place belonging thereto, or used for the reception of the patients thereof, or who has died in any county or other lunatic asylum, or in any public infirmary or other public medical institution, whether the same be supported by endowments or by voluntary subscriptions, then and in such case nothing herein contained shall be construed to entitle the medical officer whose duty it may have been to attend the deceased person as a medical officer of such institution as aforesaid to the fees or remuneration herein provided.

Penalty on medical practitioner for neglecting to attend.

VI. AND be it further enacted, that where any order for the attendance of any medical practitioner as aforesaid shall have been personally served upon such practitioner, or where any such order not personally served shall have been received by any medical practitioner in sufficient time for him to have obeyed such order, or where any such order has been served at the residence of any medical practitioner, and in every case where any medical practitioner has not obeyed such order, he shall for such neglect or disobedience forfeit the sum of five pounds sterling upon complaint thereof made by the coroner or any two of the jury before any two justices having jurisdiction in the parish or place where the inquest under which the order

issued was held, or in the parish where such medical practitioner resides ; and such two justices are hereby required, upon such complaint, to proceed to the hearing and adjudication of such complaint, and, if such medical practitioner shall not show to the said justices a good and sufficient cause for not having obeyed such order, to enforce the said penalty by distress and sale of the offender's goods, as they are empowered to proceed by any Act of Parliament for any other penalty or forfeiture.

VII. AND be it enacted, that nothing in this Act contained shall extend to Scotland. Act not to extend to Scotland.

#### SCHEDULE to which this Act refers.

##### (A.)

##### FORM of Summons.

CORONER'S INQUEST at \_\_\_\_\_ upon the body of \_\_\_\_\_  
By virtue of this my order as coroner for \_\_\_\_\_ you are required to  
appear before me and the jury at \_\_\_\_\_ on the \_\_\_\_\_ day  
of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_, at \_\_\_\_\_  
of the clock, to give evidence touching the cause of death of \_\_\_\_\_ [and  
then add, when the witness is required to make or assist at a post-mortem  
examination and make or assist in making a post-mortem examination of the  
body, with [or without] an analysis, as the case may be], and report thereon  
at the said inquest.

To \_\_\_\_\_ (Signed) \_\_\_\_\_ Coroner.  
Surgeon [or M.D., as the case may be].

##### (B.)

##### TABLE of Fees.

1. To every legally qualified medical practitioner for attending to give evidence under the provisions of this Act at any coroner's inquest whereat no post-mortem examination has been made by such practitioner, the fee or remuneration shall be one guinea.
2. For the making of a post-mortem examination of the body of the deceased, either with or without an analysis of the contents of the stomach or intestines, and for attending to give evidence thereon, the fee or remuneration shall be two guineas.

\* \* \* \* \*

#### CHAPTER XCVI.

AN ACT to regulate Parochial Assessments.

[19th August 1836.]

**W**HEREAS it is desirable to establish one uniform mode of rating for the relief of the poor throughout England and Wales, and to lessen the cost of appeal against an unfair rate: [¶] Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual

[¶ Section 1 is rep., 32 & 33 Vict. c. 67. s. 77., so far as it relates to the metropolis as defined by that Act.]



All rates to be made on the net annual value of the property.

and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after such period, not being earlier than the twenty-first day of March next after the passing of this Act, as the poor law commissioners shall by any order under their seal of office direct, no rate for the relief of the poor in England and Wales shall be allowed by any justices, or be of any force, which shall not be made upon an estimate of the net annual value of the several hereditaments rated thereunto; that is to say, of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants rates and taxes, and tithe commutation rentcharge, if any, and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent: Provided always, that nothing herein contained shall be construed to alter or affect the principles or different relative liabilities (if any) according to which different kinds of hereditaments are now by law rateable.

Rates to be made in form in schedule to this Act.

[III.] AND be it further enacted, that every such rate made after the said period shall, in addition to any other particular which the form of making out such rate shall require to be set forth, contain an account of every particular set forth at the head of the respective columns in the form given in the schedule to this Act annexed, so far as the same can be ascertained; and the churchwardens and overseers or other officers whose duty it may be to make and levy the said rate, or such a number of the said churchwardens and overseers or other officers as are competent to the making and levying of the same, shall, before the rate is allowed by the justices, sign the declaration given at the foot of the said form; and otherwise the said rate shall be of no force or validity: Provided always, that nothing herein contained shall be construed to prevent the owners of tenements from compounding for the rates to be assessed on the same, in such manner as they were by any statute or statutes enabled to do before the passing of this Act, so that the gross estimated rental of the hereditaments compounded for be entered on the rate in the proper column.

Nothing herein to prevent owners from compounding for rates.

Power to order new survey and valuation.

III. AND be it enacted, that when it shall be made to appear to the poor law commissioners, by representation in writing from the board of guardians of any union or parish, under their common seal, or from the majority of the churchwardens and overseers or other officers competent as aforesaid to the making and levying the rate, that a fair and correct estimate for the aforesaid purposes cannot be made without a new valuation, it shall be lawful for the poor law commissioners, where they shall see fit, to order a survey, with or without a map or plan, on such scale as they shall think fit, to be made and taken of the messuages, lands, and other hereditaments liable to poor rates in such parish, or in all or any one or more parishes of such a union, and a valuation to be made of the said messuages, lands, and other hereditaments according to their annual value, and to direct such guardians to appoint a fit person or persons to make and take every such survey, map or plan, and valuation, and to make provision for paying the costs of every such survey, map or plan, and valuation, either by a separate rate, or by a charge on the

[\* Section 2 is rep., 32 & 33 Vict. c. 67. s. 77., so far as it relates to the metropolis as defined by that Act.]

poor rates, as they may see fit; but in case of such charge being made, then, provisions shall be made for paying off not less than one fifth of the sum charged on the rates, and such interest as may from time to time be payable in respect of such charge or any part thereof, in each succeeding year, till the whole is repaid.

IV. AND be it further enacted, that for the purpose of making every such survey, map or plan, and valuation, it shall be lawful for the person or persons so to be appointed for making the same respectively, together with their and every of their assistants and servants, at all reasonable times, until the same respectively shall be completed, to enter, view, and examine, survey, and admeasure, all and every part of the messuages, lands, and other hereditaments aforesaid, and to do or cause to be done any act or thing necessary for making such survey, map or plan, and valuation: Provided always, that any map, survey, plan, or valuation made previously to the appointment of such person or persons, which shall be tendered to him or them, and which shall be in his or their judgment and to his or their satisfaction a just and true map or survey, proper for the purposes aforesaid, may be used for such purposes.

Power for surveyors to enter and examine lands, &c. for purposes of survey and plan.

V. AND be it further enacted, that it shall be lawful for any person or persons rated to the relief of the poor of the parish in respect of which any rate shall be made, at all seasonable times, to take copies thereof or extracts therefrom without paying anything for the same, anything in any Act of Parliament to the contrary notwithstanding; and in case the person or persons having the custody of such rate shall refuse to permit or shall not permit such person or persons so rated as aforesaid to take copies thereof or extracts therefrom, the person or persons so refusing or not permitting such copy or extract to be made shall forfeit and pay any sum not exceeding five pounds, to be recovered in a summary way before any justice of the peace having jurisdiction in the parish or place.

Power to take copies or extracts of rates gratis.

Penalty for refusal to permit the same.

[VI.] AND be it enacted, that the justices acting in and for every petty sessions division shall four times at least in every year hold a special sessions for hearing appeals against the rates of the several parishes within their respective divisions, and shall cause public notice of the time and place when and where such special sessions will be holden to be affixed to or near to the door of the parish church of the said parishes, twenty-eight days at the least before the holding of the same; and such special sessions shall and may be adjourned from time to time by the justices there present, as they may think fit; and at such special or adjourned sessions the justices there present shall hear and determine all objections to any such rate on the ground of inequality, unfairness, or incorrectness in the valuation of any hereditaments included therein, which decision shall be binding and conclusive on the parties, unless the person or persons impugning such decision shall within fourteen days after the same shall have been made cause notice to be given in writing of his, her, or their intention of appealing against such decision, and of the

Justices acting in petty sessions to hold four special sessions in the year to hear and decide appeals against rates, subject to an appeal from their decision no the quarter sessions.

[\* Section 6 is rep., 32 & 33 Vict. c. 67. s. 77., so far as it relates to the metropolis as defined by that Act.]

matter or cause of such appeal, to the person or persons in whose favour such decision shall have been made, and within five days after giving such notice shall enter into a recognizance before some justices of the peace, with sufficient securities, conditioned to try such appeal at the then next general sessions or quarter sessions of the peace which shall first happen, and to abide the order of and pay such costs as shall be awarded by the justices at such quarter sessions or any adjournment thereof; and such justices, upon hearing and finally determining such matter of appeal, shall and may, according to their discretion, award such costs to the party or parties appealing or appealed against as they shall think proper, and their determination in or concerning the premises shall be conclusive and binding on all parties, to all intents and purposes whatsoever: Provided always, that no such objection shall be inquired into by the said justices in special session unless notice of such objection in writing under the hand of the complainant shall have been given, seven days at least before the day appointed for such special session, to the collector, overseers, or other persons by whom such rate was made: Provided also, that the said justices in special session shall not be authorized to inquire into the liability of any hereditaments to be rated, but only into the true value thereof, and into the fairness of the amount at which the same shall have been rated.

Seven days notice to be given of objections.

Justices not to inquire into liability of the property.

Justices may act with all the powers of justices in quarter sessions, &c.

[VII.\*] AND be it enacted, that the justices present at any such special or adjourned session shall for the aforesaid purpose have all the powers of amending or quashing any such rate so objected to of any parish or other district within their division, and likewise of awarding costs to be paid by or to any of the parties, and of recovering such costs, which any court of quarter sessions of the peace has upon appeals from any such rate, except as herein excepted: Provided always, that no order of the said justices shall be removed by certiorari or otherwise into any of his Majesty's courts of record at Westminster: Provided also, that nothing in this Act contained shall be construed to deprive any person or persons of the right to appeal against any rate to any court of general or quarter sessions: Provided also, that no order of the said justices in special session shall be of any force pending any appeal touching the same subject matter to the court of general or quarter sessions of the peace having jurisdiction to try such appeal, or in opposition to the order of any such court upon such appeal.

Extent of Act.

VIII. AND be it enacted, that this Act shall extend only to England and Wales.

\* \* \* \* \*

[\* Section 7 is rep., 32 & 33 Vict. c. 67. s. 77., so far as it relates to the metropolis as defined by that Act.]

SCHEDULE to which this Act refers.

FORM of Rate.

AN ASSESSMENT for the RELIEF of the POOR of the Parish of Merton in the County of Surrey, and for other Purposes chargeable thereon according to Law, made this Thirtieth Day of March in the Year of our Lord One thousand eight hundred and thirty-seven, after the Rate of Sixpence in the Pound.

No.	Arrears due or if excused.	Name of Occupier.	Name of Owner.	Description of Property rated.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.	Rate at 6d. in the Pound.
1	£ s. d. - - -	James Smith	John Green	Land and buildings.	Whiteacre farm.	A. R. P. 40 0 0	£ s. d. 60 0 0	£ s. d. 55 0 0	£ s. d. 1 7 6
2	- - -	Ditto	Ditto	House and garden.	In West Street.	0 1 0	30 0 0	25 0 0	0 12 6
3 {	- - 7½ excused }	John Poor	Ditto	House -	In Brick Lane.	- - -	1 10 0	1 5 0	0 0 7½
&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.

DECLARATION of Overseers and Churchwardens.

We, do declare the several particulars specified in the respective columns of the above rate to be true and correct, so far as we have been able to ascertain them, to which end we have used our best endeavours.

Thomas Jones, overseer.  
John Thomas, [churchwarden, &c. &c.]

CHAPTER XCVII.

AN ACT for continuing and making perpetual the Duty on certain Offices and Pensions. [19th August 1836.]

Most Gracious Sovereign,

WHEREAS by an Act passed in the fourth year of the reign of his present Majesty, intituled “ An Act for continuing to his Majesty until 4 & 5 Will. 4. c. 11.  
“ the fifth day of July one thousand eight hundred and thirty-five certain  
“ duties on offices and pensions, for the service of the year one thousand eight  
“ hundred and thirty-four, and to appropriate any sums arising from the  
“ redemption of the land tax,” it was enacted, that the several and respective  
sums of money charged by virtue of an Act passed in the thirty-eighth year  
of the reign of his Majesty King George the Third, intituled “ An Act for 33 Geo. 3. c. 5.  
“ granting an aid to his Majesty by a land tax to be raised in Great Britain,  
“ for the service of the year one thousand seven hundred and ninety-eight,”  
upon any person or persons in respect of any public office or employment of  
profit, or any salaries, gratuitous bounty monies, rewards, fees, profits, per-  
quisites, advantages, pensions, annuities, stipends, or yearly payments in the  
said Act mentioned, and which were by the said Act passed in the said  
thirty-eighth year of the reign of King George the Third directed, after the  
twenty-fifth day of March one thousand seven hundred and ninety-nine, to be

ascertained, raised, levied, collected, and paid according to the directions of any Act or Acts to be passed for that purpose, and which sums of money and duties last-mentioned had been from time to time continued by divers Acts of Parliament, and were then in force, until the twenty-fifth day of March one thousand eight hundred and thirty-four, should be continued, and raised, levied, collected, and paid unto his Majesty from the said twenty-fifth day of March one thousand eight hundred and thirty-four until the fifth day of July one thousand eight hundred and thirty-five: And whereas doubts have arisen whether the said respective sums of money and duties were continued by the said Act passed in the fourth year of his present Majesty's reign, and might lawfully be assessed, collected, or deducted after the said fifth day of July one thousand eight hundred and thirty-five: And whereas it is expedient that such doubts should be removed, and that such respective sums of money and duties should be continued and made perpetual: Now we, your Majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the several and respective sums of money and duties, which by the said recited Act of the fourth year of the reign of his Majesty were directed to be continued, raised, levied, collected, and paid from the twenty-fifth day of March one thousand eight hundred and thirty-four until the fifth day of July one thousand eight hundred and thirty-five, shall be continued, raised, levied, collected, and paid unto his Majesty, his heirs and successors, from the said fifth day of July one thousand eight hundred and thirty-five for ever; . . . . .

The duties on offices and pensions continued by 4 Will. 4. c. 11. from 25th March 1834 until 5th July 1835 further continued from that period, and made perpetual.

Provisions of 6 Geo. 4. c. 9. for ascertaining and regulating the duties extended to this Act.

II. AND be it further enacted, that the several powers and provisions contained in an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act for continuing to his Majesty for one year certain duties on personal estates, offices, and pensions in England, and also for granting certain duties on sugar imported, for the service of the year one thousand eight hundred and twenty-five," for the ascertaining, assessing, taxing, regulating, paying, and accounting for the duties on offices and pensions, shall extend and be construed to extend to the duties on offices and pensions hereby granted and continued, except where other provisions are made by this Act; and that the several powers and provisions in the said Act contained, which relate or refer to any day or time within or during or before or after the year commencing the twenty-fifth day of March one thousand eight hundred and twenty-five, shall extend and be construed to relate to the like days and times within or during or before or after the year commencing from the twenty-fifth day of March one thousand eight hundred and thirty-five, and from the same day in every year hereafter, in like manner as by the said recited Act is directed with reference to the year one thousand eight hundred and twenty-five, and as if the several powers and provisions in the said recited Act contained were repeated and re-enacted in this present Act.

No assessment shall be made in respect of

III. PROVIDED always, and be it further enacted, that no assessments shall be made by any commissioner or commissioners, assessor or assessors of the

land tax, or otherwise, for or in respect of the several duties of one shilling and of sixpence in the pound, payable to his Majesty under the several Acts in force, on annuities, pensions, stipends, salaries, wages, allowances, or other yearly payments whatsoever granted and continued by this Act, when the same are payable out of the public revenue of the receipt of the Exchequer or elsewhere in Great Britain by any officer or officers; but that all and every such annuities, pensions, stipends, salaries, wages, allowances, or other yearly payments shall and are hereby declared to be charged and assessed to the said duties respectively to the same annual amount as heretofore rated, charged, or assessed under any Act or Acts; and all monies applicable to the payment of such annuities, pensions, stipends, salaries, wages, allowances, or other yearly payments, shall be issued, paid, and discharged less by the amount of the said duties to all intents as if the same were continued to be charged by annual assessment, and hereby authorized to be stopped and deducted as duties payable to his Majesty, any thing in this Act or any former Acts contained to the contrary notwithstanding: Provided also, that where any officer who shall be in receipt of any such annuity, pension, stipend, salary, wages, allowance, or other yearly payment payable at the Exchequer or elsewhere in Great Britain, out of the public revenue as aforesaid, shall also be in receipt of perquisites, fees, gratuities, wages, allowances, or other profits not so payable, but which are chargeable with the said duties, it shall be lawful for the lords commissioners of the Treasury to authorize such last-mentioned duties, unless otherwise paid, to be stopped or detained from the amount of the salary or other yearly payment made to any such officer; and it shall and may be lawful for the said lords commissioners of the Treasury, or any three or more of them, by any warrant under their hands, whenever they shall deem the same advisable, to authorize and direct that the amount of any annuity, pension, stipend, salary, wages, allowances, or other yearly payments whatever, payable out of the public revenue, in any branch or department thereof, and chargeable with any of the said duties, shall be reduced and paid short by the amount of the assessment or assessments of any of such duties respectively as if such assessments were actually made; and every such warrant shall be received in discharge of any such assessment, and as a full authority for reducing the said annual payments and paying the same short as aforesaid.

the duties on pensions, &c. payable out of the public revenue, but such duties shall be charged as heretofore, and monies applicable to the payment of the pensions shall be paid less by the amount of such duties.

Proviso for officers receiving pensions, &c. payable in part only out of the public revenue.

IV. AND be it further enacted, that all the monies which shall be collected under the authority of this Act shall be paid into the receipt of his Majesty's Exchequer, and carried to and made part of the consolidated fund of Great Britain and Ireland.

Appropriation of duties.

## CHAPTER CIII.

AN ACT to make temporary Provision for the Boundaries of certain Boroughs.

[20th August 1836.]

WHEREAS by the provisions of an Act passed in the last session of Parliament, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," the boundaries of certain boroughs named in the schedules (A.) and (B.) to the said Act annexed were made to

5 & 6 Will. 4.  
c. 76. s. 7.

Part of the  
recited Act  
repealed.

New provision  
as to bounda-  
ries of bo-  
roughs, &c.

2 & 3 Will. 4.  
c. 64.

Proviso as to  
the liability of  
ratepayers.

Proviso as to  
past elections,  
&c.

Boundaries of  
the borough of  
Sunderland.

include all the liberties of such boroughs and large tracts of land beyond the limits of the towns, and which ought not to be included therein: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said Act for regulating corporations as provides that the metes and bounds of every borough and county named in the said Act shall include the whole of the liberties of such borough and county by land and by water is hereby repealed; and that, notwithstanding anything in the said Act contained, no part of any county, or of the liberties of any borough, town, or city, named in the first sections of the schedules (A.) and (B.) annexed to the said Act for regulating corporations, which before the passing of the said Act was not part of such borough, town, or city, or within the parliamentary boundary of such borough, town, or city, shall be taken to be within the metes and bounds of any such borough, town, or city, or within the county of such borough, town, or city, or to be within the jurisdiction of the justices of such borough, town, or city, or county of a borough, town, or city; and that no part of any county, or of the liberties of any borough, town, or city, named in the second section of the said schedules (A.) and (B.), which was not part of such borough, town, or city, before the passing of an Act passed in the second and third year of his Majesty, intituled "An Act to settle and describe the divisions of counties, " and the limits of cities and boroughs, in England and Wales, in so far as " respects the election of members to serve in Parliament," shall, for the purposes of the said Act passed in the last session of Parliament, be taken to be within the metes and bounds of any such borough, town, or city, or within the county of such borough, town, or city, or to be within the jurisdiction of the justices of such borough, town, or city, or county of a borough, town, or city, but every such part, until Parliament shall otherwise direct, shall be taken to be within and to be subject to the same jurisdiction as the county, riding, parts, or divisions of a county, other than a county of a borough, town, or city, wherein such part is situated or with which it has the longest common boundary: Provided also, that all the provisions of the said Act for regulating corporations concerning the liability of the ratepayers of any place or precinct which under the provisions of this Act shall not be included within any such borough, town, or city, or county of a borough, town, or city, to any debt to which the ratepayers of such borough, town, or city, or county of a borough, town, or city, were liable to contribute before the passing of the said Act for regulating corporations, shall be applicable to such place or precinct as if the same had not been included within the metes and bounds of such borough, town, or city, under the provisions of the said Act for regulating corporations: Provided also, that no election of any mayor, alderman, councillor, auditor, or assessor heretofore made, or any other proceeding whatsoever, in any such borough, town, or city, since the twenty-fifth day of December last, shall be liable to be questioned after the passing of this Act by reason that any such part of any county, or liberties of any borough, town, or city, may or may not have been taken to be part of such borough, town, or city under the provisions of the said Act.

II. PROVIDED always, and be it enacted, that, notwithstanding anything in this Act contained, the borough of Sunderland, for the purposes of the said Act

passed in the last session of Parliament, and until Parliament shall otherwise direct, shall consist of the parish of Sunderland, the townships of Monkwearmouth and Monkwearmouth Shore, and so much of the townships of Bishop Wearmouth and Bishop Wearmouth Panns as is included within a circle of one mile from the centre of Wearmouth bridge.

III. AND be it enacted, that the division of every borough, town, and city into wards by the barrister or barristers appointed in pursuance of the provisions of the said Act for regulating corporations shall not be annulled or vitiated by the exclusion of any ward or wards, or any part of any of the said wards which shall be excluded from such borough, town, or city by this Act; but the said division shall remain in all other respects in force until Parliament shall otherwise direct, as if the ward or wards, or part of a ward or wards, so excluded from the borough, town, or city, had not been at any time included therein: Provided nevertheless, that if any borough, town, or city shall have been so divided into wards that the whole of any one or more wards shall consist wholly of a district excluded from such borough, town, or city by this Act, the barrister or barristers who originally divided the borough, town, or city into wards shall, as soon as conveniently may be after the passing of this Act, assign the councillors who were chosen in such ward or wards to the remaining wards of the borough, town, or city, or such of them as he or they shall select, upon the same principles, or as nearly as may be, in his or their judgment, as were provided by the said Act for the guidance of the barristers in their assignment of councillors to each ward; and thenceforth, and until Parliament shall otherwise direct, the number of councillors in each of the remaining wards shall be the number originally assigned to such ward by the barrister or barristers, with the addition of the number so assigned to it by the barrister or barristers under this Act; and the councillors so assigned under this Act to each ward shall thenceforth be deemed to have been elected in the ward to which they shall have been respectively so assigned, and shall go out of office, and vacancies among them shall be filled at the same time and in the same manner, as if the burgesses of the ward by whom they were originally elected had been burgesses of the ward to which they shall have been so assigned.

The division of boroughs into wards by the barristers not to be affected by the exclusion by this Act of any ward or part of a ward.

If a borough has been so divided that the whole of a ward consists of a district excluded by this Act, a new assignment of councillors shall be made by the barrister, &c.

IV. AND be it enacted, that nothing contained in the said Act for regulating corporations shall be construed to affect any local Act heretofore passed for the relief and management of the poor, or to alter the district comprised within the provisions of any such local Act.

Local Acts for the relief of the poor not to be affected by 5 & 6 Will. 4. c. 76.

V. AND be it enacted, that nothing contained in the said Act for regulating corporations shall be construed to affect or alter the assessments of the land tax or assessed taxes, or to extend or diminish the jurisdiction of any commissioners of land and assessed taxes; but that all manors, lands, tenements, and hereditaments, and all parishes and parts of parishes, and places, shall continue to be charged as heretofore towards the land tax charged upon the county or other district of which they were a part before the passing of the said recited Act, and to be subject in that behalf to the jurisdiction of the commissioners of the same county or other district as they would have been if the said recited Act had not been passed.

Nothing in 5 & 6 Will. 4. c. 76. shall affect the assessments of the land or assessed taxes, or the jurisdiction of the commissioners of land and assessed taxes.

VI. AND be it declared and enacted, that the borough and town of Berwick-upon-Tweed, within the limits assigned to it by the said Act, or hereafter to

Berwick-upon-Tweed shall be a county to all



intents but for  
parliamentary  
elections.

Provisions of  
3 & 4 Will. 4.  
c. 74. shall ex-  
tend to lands  
therein.

be assigned to it by authority of Parliament, shall be a county of itself to all intents and purposes, except only so far as relates to the return of a member or members to serve in Parliament; and that the provisions of the Act passed in the third and fourth years of his Majesty, intituled "An Act for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance," and the modes of assurance therein provided, shall extend and apply to lands locally situated in the said borough, town, and county, any law, statute, custom, or usage to the contrary notwithstanding.

#### CHAPTER CIV.

AN ACT for the better Administration of the Borough Fund in certain  
Boroughs. [20th August 1836.]

5 & 6 Will. 4.  
c. 76.

**W**HEREAS by an Act passed in the last session of Parliament, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," provision was made for the payment of the rents and profits of the real and personal estate of the mayor, aldermen, and burgesses of certain boroughs named in the schedules (A.) and (B.) to the said Act annexed, and also for the payment of certain penalties, to a fund to be called in each case "The Borough Fund" of that borough: And whereas certain difficulties have occurred in putting the said Act into execution, and certain penalties have been imposed, which ought not to be imposed, for the benefit of the said borough fund: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for the council of any borough named in the said schedules to execute from time to time any deed or obligation in the name of the body corporate whose council they are, for securing repayment and satisfaction of any debt or obligation contracted by or on behalf of the said body corporate before the passing of the said Act for regulating corporations.

Councils may  
give securities  
for old debts  
of corporation.

Extension of  
the power of  
disposition  
given to the  
council as  
to certain  
demises; and  
of the power  
of disposition  
allowed to be  
exercised with  
the appro-  
bation of the  
Treasury.

II. AND be it enacted, that the power of disposition given to the council of any body corporate in the instances of demises for seventy-five years authorized by the said Act shall extend to the demise or lease thereof, either at a reserved rent or a fine, or both, as the council shall think fit; and the power of disposition allowed by the said Act over the lands, tenements, and hereditaments of such body corporate, to be exercised with the approbation of the lords commissioners of his Majesty's Treasury or any three of them, shall extend to the disposition of such lands, tenements, and hereditaments, with such approbation as aforesaid, whether by way of absolute sale, or by way of exchange, mortgage, or charge, demise or lease, and to every other disposition of the same whatsoever which shall be so approved of as aforesaid.

Treasurer of a  
borough may  
apply proceeds  
of sales of  
advowsons, &c.  
towards liqui-  
dation of old  
debts.

III. AND be it enacted, that nothing in the said Act contained shall be construed to restrain the treasurer of any borough, under the direction of the council, from applying the proceeds of the sale of any advowson, or right of nomination or presentation to any benefice or ecclesiastical preferment, directed by the said Act, which shall have been paid to him, or any part thereof, towards the liquidation of any debt contracted before the passing of

the said Act by the body corporate named in the said schedules in conjunction with such borough.

\* \* \* \* \*

V. AND be it enacted, that in any case in which, for the purpose of levying any county rate, a warrant might be lawfully issued by one or more justices of the peace, a warrant may be lawfully issued in the like case by the mayor of any borough named in the said schedules, under his hand and the corporate seal of the said borough, whether the matter of such warrant relates to the borough rate or to the watch rate; and that in every case in which in a matter relating to the county rate a warrant is required to be directed to or issued by a high constable, such warrant may in a like matter relating to the borough rate or watch rate be directed to or issued by the high constable of the borough, or any borough officer of the like description, or by any person or persons who may have been or may hereafter be appointed by the council of the borough for the purpose of collecting the said borough rate or watch rate, or either of them.

Mayor may issue his warrant for levying borough rate, &c.

\* \* \* \* \*

VII. AND be it enacted, that, notwithstanding anything in the said Act contained, no person enrolled on the burgess roll for the time being of any borough named in the schedules to the said Act, and who shall act as mayor, alderman, or councillor, auditor or assessor, of such borough, shall be liable to any penalty for so acting on the ground that he was not entitled to be on the burgess list of such borough.

Mayor, &c., if enrolled on burgess roll, not liable to penalty though not entitled to be so enrolled.

VIII. AND whereas no provision is made in the said Act for resigning any corporate office on payment of a fine or otherwise: Be it enacted, that every person elected into any corporate office in any of the said boroughs may at any time resign such office on payment of the fine which he would have been liable to pay for non-acceptance of the same office; provided, that no person enabled by law to make an affirmation instead of taking an oath shall be liable to any fine for non-acceptance of office in any borough by reason of his refusal on conscientious grounds to take any oath or make any declaration required by the said Act, or to take upon himself the duties of such office.

Corporate offices may be resigned on payment of the fine.  
Proviso for persons refusing on conscientious grounds.

IX. AND be it enacted, that nothing contained in the said Act for regulating corporations shall be construed to alter or affect the right of any person claiming discharge or exemption from tolls levied in whole or in part by or to the use of any body corporate by virtue of any title to such discharge or exemption other than as an inhabitant of any borough; or as a citizen, freeman, or burgess, or as a member by any name whatsoever of any body corporate named in the said schedules, or as the widow or kindred of any such inhabitant, citizen, freeman, burgess, or member of such body corporate.

Reservation of exemption from tolls enjoyed by persons in virtue of other than corporate rights.

X. AND be it enacted, that the council of each borough, town, or city named in the said schedules, or in which a body corporate of mayor, aldermen, and burgesses may be created under the provisions of the said Act, shall, before the first day of March in each year, transmit to one of his Majesty's principal secretaries of state a statement of all monies received and expended on account of the mayor, aldermen, and burgesses of that borough, town, or city within the year preceding, which statement shall be prepared in such form and manner as the secretary of state shall direct; and such accounts shall refer to the year ended upon the first of January of the year in which such

Accounts of corporations to be transmitted to secretary of state, and abstracts laid before Parliament.

account is hereby required to be so transmitted; and an abstract of such statements and accounts, under general heads, shall be laid before both Houses of Parliament during their sitting in the same year in which they are hereby required to be transmitted as aforesaid.

## CHAPTER CV.

AN ACT for the better Administration of Justice in certain Boroughs.

[20th August 1836.]

5 & 6 Will. 4.  
c. 76.

**W**HEREAS by reason of certain defects in an Act passed in the last session of Parliament, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," the administration of civil and criminal justice is injuriously hindered and delayed in certain boroughs named in the schedules (A.) and (B.) to the said Act annexed: . . . . .

5 & 6 Will. 4.  
c. 76. s. 104.

Oaths required to be taken by recorder, &c. may be taken before mayor or two aldermen, &c.

III. AND whereas it is by the said recited Act enacted, that no recorder or person assigned to keep the peace within any such borough shall be capable of acting as recorder or justice of the peace within such borough until he shall have taken the oaths provided to be taken by justices of the peace, except the oath as to qualification by estate: Be it enacted, that all oaths so required to be taken by any such recorder or person assigned to keep the peace may be taken before the mayor or any two aldermen or councillors of the said borough, without suing out or obtaining any special dedimus or other commission or authority for administering such oaths.

5 & 6 Will. 4.  
c. 76. s. 49.

Mayor to hold office until acceptance of office, &c. by his successor.

IV. AND whereas by the said Act it is provided that the mayor of every borough named in the said schedules (A.) and (B.) shall continue in his office for one whole year: Be it enacted, that the mayor of every such borough shall continue in office for one whole year, and until his successor shall have accepted the office of mayor, and shall have made and subscribed the declaration required in that behalf.

Repeal of 5 & 6 Will. 4. c. 76. s. 61., in part. Sheriff to be appointed on ninth November, &c.

V. AND be it enacted, that so much of the said Act as provides for the appointment of any sheriff on the first day of November in this or any following year is hereby repealed; and that every such appointment of sheriff shall be on the ninth day of November, at the quarterly meeting of the council, and immediately after the election of mayor, and in all other respects according to the provisions of the said Act; and every sheriff appointed under the provisions of the said Act or of this Act shall hold his office until the appointment of his successor.

Coroner to appoint a deputy in case of illness or unavoidable absence.

VI. AND be it enacted, that in case of illness or unavoidable absence the coroner for the time being of any borough, town, or city named in the said Act shall be empowered and he is hereby required, by writing under his hand and seal, to appoint a fit person, being a barrister at law or an attorney of one of his Majesty's courts at Westminster, and not being an alderman or councillor of such borough, town, or city, to act for him as deputy coroner during the illness or unavoidable absence of such coroner, but no longer or otherwise: Provided always, that the mayor or two justices of such borough, town, or city, shall on each occasion certify under their hands and seals the necessity for the appointment of such deputy coroner; and such certificate shall state the cause of absence of the coroner, and shall be openly read to every inquest

jury summoned by such deputy coroner; and the particulars of every inquest holden before any deputy coroner shall be included in the return to be made by the coroner to the secretary of state, as provided by the said Act.

VII. AND be it enacted, that in every case in which before the passing of the said Act a court of requests or of conscience for the recovery of small debts was established in any borough, town, city, or county of a town or city, the boundary whereof shall have been enlarged by the said Act, the jurisdiction of such court shall be extended to such enlarged boundary: Provided nevertheless, that nothing herein contained shall extend to give such court cognizance of any suit which before the passing of this Act could not be brought therein, and could be brought in some other court of conscience or requests.

Extension of jurisdiction of courts of requests.

VIII. AND be it enacted, that every thing provided under any local Act of Parliament to be done exclusively by any particular or limited number, class, or description of the members of any body corporate named in the schedules (A.) and (B.) annexed to the said Act for regulating corporations, the continuance of which is not inconsistent with the provisions of the said Act, and also every thing provided in any such local Acts to be done by the justices, or by some particular class or description of members of such body corporate, being justices, at some court of general or quarter sessions assembled, and which does not relate to the business of a court of criminal or civil judicature, shall and may be done by the council at some quarterly meeting of the council, or by some committee of the council, or any three or more of such committee to be appointed at a quarterly meeting of the council: Provided also, that every thing herein authorized to be done at a quarterly meeting of the council may be done at a meeting of the council to be specially summoned for that purpose as soon as may be after the passing of this Act: Provided also, that no recorder by virtue of his office shall have power to allow, apportion, make, or levy, or do any act whatsoever with relation to the allowance, apportionment, making, or levying of any rate whatsoever.

Things provided under local Acts to be done by certain members of corporations or justices in quarter sessions, not being masters of criminal or civil judicature, shall be done by the council, &c.

IX. AND whereas doubts have arisen as to the provisions of the said Act for regulating corporations respecting judges in borough courts of record for the trial of civil actions not regulated by the provisions of any local Act of Parliament, or in which at the time of passing the said Act a barrister of five years standing did not act as judge or assessor: Be it therefore enacted and declared, that from and after the passing of this Act the recorder, and in the absence of the recorder such person, being a barrister of not less than five years standing, as shall be appointed by the recorder under his hand and seal to hold the said court, shall be the judge of such court and shall hold the said court at such times as the said recorder in his discretion may think fit, or as his Majesty shall think fit to direct; and every recorder or person so appointed to hold such court shall be entitled to have such salary paid to him out of the borough fund as the council shall fix by some bye law to be made in that behalf: Provided also, that all rules hereafter to be made for regulating the practice of such courts shall be approved and signed by the recorder of such borough, if there shall be a recorder, before the same shall be submitted to the judges of the superior courts for allowance and confirmation by them according to the provisions of said recited Act.

Provision for holding courts of record, &c.

X. AND be it enacted, that so much of the said Act as provides that the courts of quarter sessions of the peace of the towns and ports of Hastings, Repeal of 5 & 6 Will. 4. c. 76. s. 184. in part.

Provision for  
holding courts  
of quarter  
sessions in the  
cinque ports,  
&c.

Sandwich, Dover, and Hythe, and of the ancient town of Rye; or of such of the said towns and ports and ancient town to which his Majesty shall grant a separate court of quarter sessions of the peace, shall have jurisdiction over offences and matters committed, arising, and happening within the towns named in the schedule to the said Act which are ancient corporate members and liberties of the said towns and ports and ancient town respectively, and to which his Majesty shall not grant a separate court of quarter sessions of the peace, and also provides that any or either of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and ancient town of Rye, to which his Majesty shall not grant a separate court of quarter sessions of the peace, and their or its members and liberties, shall, for all purposes relating to the jurisdiction of courts of quarter sessions of the peace, be respectively within the jurisdiction of the courts of quarter sessions of the peace of the nearest other of the said towns and ports or ancient town to which his Majesty shall grant a separate court of quarter sessions of the peace, is hereby repealed; and it is hereby enacted, that, until other provision shall be made by Parliament in that behalf, courts of general sessions of the peace and gaol delivery shall and may be holden in and for the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and ancient town of Rye, or such of the said towns and ports and ancient town to which his Majesty shall not grant a separate court of quarter sessions of the peace, and for the ancient members and liberties thereof, not being corporate, and also in and for the towns of Deal, Faversham, Folkestone, and Tenterden, or such of the said towns to which his Majesty shall not grant a separate court of quarter sessions of the peace, before the person who at the time of the passing of the said Act was or acted as recorder or steward or assessor, or by whatsoever other name he was called, of the said towns and ports, ancient town and towns respectively, or in case of his death or resignation or absence, or in case there was no such recorder or steward or assessor, then before any barrister at law, of not less than five years standing, whom his Majesty shall appoint to hold the same, in the same manner in other respects, and with the same powers and authorities, as before the passing of the said Act, except as regards the trial of capital felonies; and so long as such courts of general sessions of the peace and gaol delivery shall be holden the offices of clerk of the peace and coroner shall be holden and exercised by the same persons, or by the same officers of such of the said towns and ports, ancient town and towns respectively, to which his Majesty shall not grant a separate court of quarter sessions, by whom or by which the same were holden at the time of the passing of the said Act, or in case of their death or resignation, or their being no longer such officers, then by such persons as the councils of such towns and ports, ancient town and towns respectively, shall appoint to hold the same, with the same powers and authorities as before the passing of the said Act; and the non-corporate members and liberties of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and the said ancient town of Rye, shall and may be chargeable and charged by the courts of general or quarter sessions of the peace holden for the same respectively with a due proportion of the expences of such towns and ports and ancient town respectively, and the non-corporate members and liberties thereof, to the payment of which expences rates in the nature of county rates are applicable; and the same shall and may be assessed and levied in the manner in which rates of

that description were assessed and levied before the passing of the said Act ; and a due proportion of inhabitant householders to serve as grand jurors and jurors at the courts of general or quarter sessions of the peace of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the said ancient town of Rye, shall be summoned by the clerks of the peace of the said towns and ports and ancient town from the non-corporate members and liberties thereof respectively, and the attendance of such jurors shall be enforced and their defaults punished in the manner by the said Act directed with respect to jurors in boroughs.\*]

[XI.] AND be it enacted, that his Majesty's justices of the peace acting under the authority of a commission or commissions issued by virtue of an Act passed in the fifty-first year of the reign of his late Majesty King George the Third, intituled "An Act to facilitate the execution of justice within the "cinque ports," shall and may have and exercise all the jurisdiction, powers, and authorities belonging to justices of the peace in counties, relating to the granting of licences or authorities to persons to keep inns, alehouses, or victualling houses, or to sell exciseable liquors by retail, within any of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the ancient town of Rye respectively, which shall not have justices of the peace assigned to them by virtue of the said Act passed in the last session of Parliament, and the non-corporate members and liberties thereof, and also within any of the said towns of Deal, Faversham, Folkestone, and Tenterden respectively, which shall not have justices of the peace assigned to them by virtue of the same Act.

Justices acting under commissions granted by virtue of 51 Geo. 3. c. 36. may exercise all the powers of justices in counties relating to the granting of licences to victuallers.

XII. AND whereas doubts have been entertained whether, under the provisions of the said recited Act, it may be lawful for his Majesty from time to time to constitute and appoint the vice chancellor of the university of Cambridge for the time being a justice of the peace in and for the town and borough of Cambridge : Be it therefore enacted, that it shall be lawful for his Majesty, his heirs and successors, from time to time, if his Majesty shall so think fit, in and by his commission of the peace for the said town and borough to constitute and appoint the vice chancellor of the university for the time being a justice of the peace for the said town and borough, any thing in the said recited Act, or in this Act to the contrary notwithstanding : Provided always, that no vice chancellor of the said university, by reason of his being named in any commission of the peace for the said town and borough, shall thereby have, as touching the grant of licences to alehouses, any greater authority as justice of the peace than any other justice of the peace named in any such commission ; but that nothing in this Act shall be construed to alter or in any way to affect the rights and privileges which the vice chancellor by virtue of his office now lawfully has or enjoys, or might have lawfully had and enjoyed if the vice chancellor had not been appointed under the provisions of this Act a justice of the peace for the said town and borough.

His Majesty may appoint the vice chancellor of Cambridge university to be a justice of the borough. Proviso as to vice chancellor's power of licensing ale-houses.

[\* The part of section 10 enclosed in brackets and section 11 are rep., 18 & 19 Vict. c. 48. s. 5, from and after the day fixed in such order of her Majesty in council as in that Act mentioned, or from and after the granting of such charter of incorporation as in that Act mentioned, so far as concerns or affects the parishes or places named in such order, or, in case of a charter of incorporation, the part thereof comprised in such charter ; but see 20 & 21 Vict. c. 1.]

## CHAPTER CVI.

AN ACT to make Provision for the better and more expeditious Administration of Justice in the Stannaries of Cornwall, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries.]\* [20th August 1836.]

**W**HEREAS there has existed throughout the stannaries of Cornwall a court in which the vice warden has in certain cases, wherein tin or tinnors or matters connected with tin are concerned, exercised original equitable jurisdiction: And whereas there has existed a court in each of the stannaries of Cornwall, called the steward's court, and in which the steward of the stannaries has exercised a common law jurisdiction in such like cases: And whereas the jurisdiction so exercised by the vice warden and the steward respectively has been confined to cases wherein tin or tinnors are concerned: And whereas in late times lead, copper, and other metals and metallic minerals than tin, have been discovered in the county of Cornwall, and over the matters connected with the working for and purifying and smelting of which lead, copper, and other metals and metallic minerals such jurisdiction has not been considered to extend: And whereas the various persons in the said county working and interested in such lead, copper, and other metals and metallic minerals, are greatly inconvenienced in their disputes in cases where such metals and metallic minerals other than tin are concerned, and are put to great inconvenience in obtaining redress therein: And whereas it is expedient to unite the court of equity of the vice warden with the courts of common law of the steward of the said stannaries, and to extend the jurisdiction of the court to and over all metals and metallic minerals in the said stannaries, and to and over all transactions connected therewith in the said county of Cornwall, in manner herein-after mentioned, and also to confirm, alter, and enlarge the powers of such court in various particulars, and to make other provision than heretofore for the hearing of appeals and writs of error therefrom: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the death or resignation or other removal of the present vice warden it shall and may be lawful for the duke of Cornwall for the time being, if of full age, or his Majesty and his successors, king or queen regnant of England for the time being, if there be no duke of Cornwall or if the duke of Cornwall for the time being is under age, to nominate and appoint from time to time (by letters patent under the privy seal of the duchy of Cornwall or under the great seal of England, as the case may be,) a fit person, being a barrister at law of five years standing at the least, to be and be called the vice warden of the stannaries.

Appointment  
of vice warden  
of the stan-  
naries.

Vice warden  
to be judge  
of stannaries  
court, and hold  
office during  
good behaviour.

II. AND be it further enacted, that the present vice warden and every future vice warden shall be judge of the court herein-after mentioned, and which shall have both a common law and an equity side, and shall comprehend the court heretofore the court of the vice warden and the court heretofore the

]\* The provisions contained in this Act touching appeals to the lord warden are rep., 18 & 19 Vict. c. 32. s. 26.]

courts of the stannaries, and that the vice warden for the time being shall hold such office during his good behaviour: Provided always, that it shall and may be lawful for the duke of Cornwall for the time being, if of full age, or his Majesty and his successors, king or queen regnant of England for the time being, if there is no duke of Cornwall or if the duke of Cornwall for the time being be under age, on a requisition to him for that purpose, stating therein at length sufficient grounds, and signed by the majority or five of the council or of the commissioners or principal officers of the duchy of Cornwall, but not otherwise, (the lord warden of the stannaries being always one of the persons signing such requisition,) to remove the person for the time being holding the said office of vice warden.

Duke of Cornwall, &c., on requisition for that purpose may remove vice warden.

\* \* \* \* \*

IV. AND be it further declared and enacted, that the original equitable jurisdiction heretofore lawfully exercised by the vice warden for the time being shall and may be henceforth exercised by the present and every future vice warden for the time being; and that the present and every future vice warden for the time being shall have, exercise, and enjoy the same equitable jurisdiction, and the same power and authority in all matters and things brought before him, so far as relates to the working, managing, conducting, or carrying on any mine worked for any lead, copper, or other metal or metallic mineral within the said county of Cornwall, or to the searching for, working, smelting, or purifying any lead, copper, or other metal or metallic mineral within the said county, in as full and ample a manner as if the same had related to any tin or tin ore, or tin mine, or mine worked for tin, in the said county: Provided always, that nothing herein contained shall be deemed or taken to affect any suit or matter now pending in any court of law or equity.

Original equitable jurisdiction of vice warden confirmed, and extended to matters connected with all metals and metallic minerals in Cornwall in the same way as heretofore over tin.

\* \* \* \* \*

VI. AND be it further enacted, that the courts of law of the respective stannaries heretofore held before the stewards or steward thereof shall be one court for all the stannaries, and shall be held by and before the vice warden for the time being, who as judge thereof shall have, exercise, and enjoy the same common law jurisdiction, and the same powers, privileges, and authorities with reference thereto, and shall transact, do, and perform the same duties, matters, and things in relation thereto, as have heretofore been lawfully transacted, done, performed, or to be exercised or enjoyed by the steward for the time being of any of the stannaries.

The courts of law of the stannaries shall be one court held before the vice warden, who shall have the same common law jurisdiction as the stewards have had;

VII. AND be it further enacted, that such vice warden for the time being shall also have, exercise, and enjoy the same common law jurisdiction and the same power and authority in all matters and things which shall be brought before him in any way connected with the working, managing, conducting, or carrying on any mine worked for lead, copper, or any other metal or metallic mineral within the said county of Cornwall, or in any way relating to lead, copper, or any other metal or metallic mineral, or the searching for, working, smelting, or purifying lead, copper, or any other metal or metallic mineral within the said county, in as full and ample a manner as if the same had been connected with or related to any tin or tin ore, or tin mine, or mine worked for tin, in the said county: . . . . .

and also similar jurisdiction in matters connected with all metals and metallic minerals in Cornwall.



Vice warden  
may grant a  
new trial.

[VIII.] AND be it further enacted, that any party to any action at law brought in the said court may apply for a new trial in any such action to the vice warden within eight days after the trial of such cause, if the said vice warden shall be then sitting, or within the first four days of the next term, and the said vice warden may grant a new trial upon any of the grounds on which new trials are now granted by the courts at Westminster, and upon such terms and conditions as by the said vice warden shall be thought reasonable; and the said vice warden, if he shall think that an impartial trial cannot be had in Cornwall, may direct that the . . . record on any cause shall be sent to the judges of assize for the county of Devon, who shall have authority to try such cause, and after the trial to cause such record to be transmitted to the court of the vice warden, who shall proceed on the said record as if the cause had been tried in his own court: . . .

Service of sub-  
poena on wit-  
nesses good in  
any part of  
England or  
Wales;

IX. AND be it enacted, that the service of every writ of subpoena to attend and give evidence hereafter to be issued out of either side of the said court of the vice warden, and served upon any person in any part of England or Wales, shall be as valid and effectual in law, and shall entitle the party suing out the same to all and the like remedies by action or otherwise howsoever, as if the same had been served within the jurisdiction of the said court of the vice warden; and that in case the person so served shall not appear according to the exigency of such writ, it shall be lawful for the said court of the said vice warden, upon oath or affirmation to be taken in open court, or affidavit, of the personal service of such writ, to transmit a certificate of such default under the seal of the said court to the Court of King's Bench at Westminster; and the said last-mentioned court may and shall thereupon proceed against and punish by attachment or otherwise, according to the course and practice of the same court, the person so having made default, in such and the like manner as the same court might have done if such person had neglected or refused to appear in obedience to a writ of subpoena issued to compel the attendance of witnesses out of such last-mentioned court.

and to be en-  
forced by pro-  
cess from  
King's Bench;

provided ex-  
pences be  
tendered.

X. PROVIDED always, and be it further enacted, that the said Court of King's Bench shall not in any such case as aforesaid proceed against or punish any person, nor shall any such person be liable to any action, for having made default by not appearing to give evidence in obedience to any such writ of subpoena as aforesaid for that purpose issued under the authority of this Act, unless it shall be made to appear to the said Court of King's Bench that a reasonable and sufficient sum of money to defray the expences of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpoena was served upon such person.

\* \* \* \* \*

Rule of the  
court which  
cannot be  
otherwise en-  
forced may be  
enforced by  
making it a

XII. AND be it further enacted, that in case any rule of the said court of the vice warden cannot be enforced by reason of the non-residence of any party or parties within the jurisdiction thereof, it shall be lawful, upon a certificate of such rule by the registrar, under the seal of the said court of the said vice warden, and an affidavit that by reason of such non-residence

[\* So much of this Act as regulates the time within which any motion must be made for a new trial, rep., 2 & 3 Vict. c. 58. s. 5.] . . .

such rule cannot be enforced, to make such rule a rule of any one of the said courts at Westminster, if such superior court shall think fit, and that thereupon such rule shall be enforced as a rule of such superior court.

[XIII.] AND be it further enacted, that neither the vice warden for the time being, nor the court of such vice warden, shall have, use, or exercise any power or authority save as hereby provided; and that any person against whom proceedings shall be instituted in the court of the vice warden shall, after the appearance entered, be at liberty to demur or plead to the jurisdiction of the said court; . . . . .

rule of a superior court at Westminster.

Vice warden, &c., shall have no jurisdiction except as hereby provided, and any parties may demur to jurisdiction of the court.

XIV. AND be it further enacted, that the vice warden for the time being shall have power and authority from time to time, and as often as circumstances shall require, to make and prescribe such rules and orders touching and concerning the forms and manner of proceeding in the court of the vice warden, and the practice and pleadings in all matters to be brought therein, the appointing commissioners to examine witnesses, the taking of examinations de bene esse, and allowing the same as evidence, the process of the said court and the mode of executing the same, the fees reasonable to be demanded by attornies, solicitors, and others, and by the officers of the said court, for business by them transacted in the said court, and such other rules, orders, and regulations as shall from time to time seem necessary and proper for expediting the business of the said court with most convenience and at most reasonable expence to the parties concerned therein; and that the vice warden for the time being shall have power to revoke, alter, and amend the rules, orders, and regulations so from time to time made [Rep., 18 & 19 Vict. c. 32. s. 30.]; . . . . .

Vice warden may make rules and orders touching the practice and proceedings of the court.

XV. AND be it further enacted, that the vice warden for the time being shall in all cases in equity brought before him, whether by bill, petition, or otherwise, have power and authority to take the whole or any part of the evidence therein either vivâ voce on oath or affirmation before himself or before the registrar or before persons duly authorized by him for administering oaths and taking affidavits, or on depositions taken before the registrar or commissioners appointed for that purpose, or otherwise as the vice warden may from time to time direct by any general rule to be made by virtue of this Act: Provided always, that the said vice warden for the time being may, on interlocutory matters, and in such other cases as to him shall seem desirable, receive evidence either in whole or in part on affidavits, and that either with or without further evidence vivâ voce or on depositions: Provided nevertheless, that the practice heretofore adopted as to taking evidence in the court of the vice warden and of the steward's courts shall nevertheless in the meanwhile continue in each and every case until the same shall be altered by virtue hereof or of the powers herein contained.

Vice warden may regulate how evidence shall be taken.

Old practice to remain until otherwise ordered.

XVI. AND be it further enacted, that it shall and may be lawful for the vice warden to direct an issue of any fact arising before him in any suit instituted by bill, petition, or otherwise on the equity side of the said court, to be tried by a jury, and to issue process to compel the attendance of jurors and witnesses for that purpose; and that the vice warden shall have all necessary powers for trying the same and carrying the verdict thereof into execution; and that after any such issue shall be tried a new trial may be moved before the vice warden for the time being, who shall have power to grant or refuse such new trial according to the rules of the common law and practice of the courts of Westminster in granting or refusing new trials.

Vice warden may direct and try an issue of fact arising on the equity side.

Motion for new trial.

[\* So much of section 13 as relates to pleas and demurrers to the jurisdiction, rep., 18 & 19 Vict. c. 32. s. 18.]

Vice warden  
may make  
orders though  
court adjourned  
or not sitting.

XVII. AND be it further enacted, that it shall and may be lawful for the vice warden for the time being, whether he be at the time in the county of Cornwall or otherwise, in all cases which may be brought before him, whether in the said county of Cornwall or otherwise, over which cases he has jurisdiction, to make such order by way of injunction or otherwise, as the nature of the case may require, notwithstanding he may have adjourned his court to some future time or some other place; and that for the entry of pleadings, orders, proclamations, and other matters touching the practice of the court in process and execution the said court shall be considered and be at all times open; provided that nothing be therein done on any Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving.

Vice warden  
ordering a per-  
son having a  
share in a mine  
to pay money  
may order a  
sale of his  
share.

XVIII. AND be it further enacted, that in case the vice warden shall in any proceedings instituted for that purpose make any decree or decretal order against any person for the payment of any money due or payable in respect of the working or management of or the providing goods for any mine worked for any metal or metallic mineral, and the person against whom such order or decretal order shall be made, or any person in trust for him, shall have any share or interest in such mine, and shall not pay the sum so decreed to be paid, it shall and may be lawful for the vice warden, under such regulations and in such way as to him shall seem fit, to cause a sale of such share or interest, or of so much thereof as shall be necessary to raise such sum and the costs attending such sale.

The vice war-  
den's seal to be  
the seal of his  
court.

XIX. AND be it further enacted, that the seal of the stannaries heretofore used by and considered as the seal of the vice warden for the time being shall be and be deemed and taken to be the seal of the court of the vice warden; and that every process issuing from either the equity or common law side of the said court shall issue under such seal; and that all orders, proceedings, documents, and copies by the laws of the stannaries as now existing, or by the act or by any rule or order of either side of the said court, or of the vice warden as judge of the said court, as shall be required to be sealed, shall be sealed therewith.

All barristers  
and solicitors  
may practise  
in vice warden's  
court, &c.

XX. AND be it further enacted, that all barristers at law and all attorneys and solicitors of any of the superior courts of law or equity at Westminster may appear and plead in any proceedings in the said court of the vice warden; and in case any person, not being an attorney or solicitor of such superior courts, shall practise in the said court of the vice warden as attorney or solicitor, he shall be deemed guilty of a contempt of the said court, and be liable to all the penalties incident thereto, on complaint thereof made to the said court; and that all the laws and statutes now in force concerning attorneys or solicitors shall, so far as the same are applicable, extend to attorneys or solicitors practising in the said court of the said vice warden.

Court to have  
jurisdiction  
throughout the  
county of Corn-  
wall, to be a  
court of record,  
and to be held  
at Truro at  
least once in  
three months,  
&c.

XXI. AND be it further enacted, that the court of the vice warden shall have jurisdiction throughout the county of Cornwall, and be held at Truro in the said county, and shall be a court of record, and shall have within the limits of its jurisdiction all the powers, rights, privileges, and incidents of a court of record as fully and amply to all intents and purposes as the same are used or exercised or enjoyed by any of his Majesty's courts of law at Westminster; and that the vice warden for the time being shall have, use,

exercise, and enjoy all the powers, rights, privileges, and exemptions of a court of record; and that the sitting of the said court shall be held as often as shall be found necessary, and at least once in every three calendar months, on such days as the vice warden shall from time to time appoint.

XXII. AND be it further enacted, that it shall and may be lawful for the duke of Cornwall for the time being, or for his Majesty, his heirs and successors, king or queen regnant of England for the time being, in case there shall be no duke of Cornwall or the duke of Cornwall for the time being shall be under age, by letters patent under the privy seal of the duchy of Cornwall or under the great seal of England, as the case may be, from time to time to appoint a fit and proper person, being a barrister at law or a solicitor or attorney of one of the superior courts at Westminster, to be and act as the registrar of the said court of the vice warden, and to attend upon and assist the said vice warden in his said court, whether sitting as a court of law or equity, and to enter and draw up all orders, decrees, sentences, and judgments of all kinds made and pronounced by him, and to take such accounts and to execute such references as the said vice warden shall direct; and that the person so appointed as registrar shall hold his office during his good behaviour: Provided always, that it shall and may be lawful for the duke of Cornwall for the time being, if of full age, or his Majesty, his heirs and successors, king or queen regnant of England for the time being, if there be no duke of Cornwall or if the duke of Cornwall for the time being be under age, on a requisition to him for that purpose, stating therein sufficient grounds, and signed by the vice warden for the time being and by five or more of the council or of the commissioners or of the principal officers of the duchy, but not otherwise, to remove the person for the time being holding the said office of registrar.

Appointment  
of registrar.

Removal of  
registrar.

\* \* \* \* \*

XXIV. AND be it further enacted, that it shall and may be lawful for the vice warden for the time being to appoint by writing under the seal of his court a fit and proper person to be and act as his secretary, and also in like manner to appoint one other fit and proper person to be and act as prothonotary or assistant registrar in the said court, and also in like manner to appoint one other fit and proper person (who shall enter into such security as the vice warden for the time being shall think fit) as collector for the said court.

Vice warden  
may appoint  
secretary, pro-  
thonotary, and  
collector.

XXV. AND whereas it is expedient that the vice warden for the time being, and the registrar, and the other before-mentioned officers of his court, should be paid by fixed salaries, and that all fees received by such registrar and the other officers aforesaid for business done in the court should be accounted for in manner herein-after mentioned: And whereas his Majesty has been graciously pleased to direct that one moiety or half part of the salaries of the vice warden and of the before-mentioned officers of his court should be paid out of and be a charge upon the revenues of the duchy, subject nevertheless to be in part indemnified by contribution of part of such fees so to be accounted for as aforesaid: And whereas it is expedient that for the purpose of raising money sufficient, with the remaining portion of such court fees, to pay the other moiety or half part of the aforesaid salaries of the said vice warden and the aforesaid officers of his court, a small assessment should be made on all metals and metallic minerals (except tin ore) over all matters

Salaries of vice  
warden and  
other officers.

Apportionment  
of salaries on  
death, &c.

The revenues  
of the duchy  
charged with  
half the sala-  
ries.

Secretary, &c.  
to account to  
registrar for  
all fees half-  
yearly.

Account to be  
audited by vice  
warden, &c.,  
and one third  
of fees to be  
paid in part

connected with which the jurisdiction of such court is hereby extended as aforesaid, and which shall be from time to time brought to sale in or withdrawn from any mine in the said county of Cornwall: Be it therefore enacted, that there shall be paid and payable, in the manner herein-after mentioned, the yearly sums following as and for the salaries to the vice warden and the before-mentioned officers of his said court for the time being; (videlicet,) to the vice warden the sum of one thousand five hundred pounds, to the registrar the sum of five hundred pounds, to the person who shall be so appointed the secretary to the vice warden the sum of one hundred pounds, to the prothonotary or assistant registrar the sum of two hundred pounds, and to the collector the sum of thirty pounds; which said several sums shall be paid from time to time half-yearly, in manner hereby provided, free and clear from all taxes and deductions whatsoever, on the twenty-fifth day of March and on the twenty-ninth day of September in each year, by equal portions, the first of such respective portions to be paid on the twenty-fifth day of March next; and that if any person at any time holding any of the said offices shall die, resign, or be removed from the same, the executor or administrator of the person so dying, or the person so resigning or being removed, shall be entitled to have such proportionate part of his salary as shall have accrued during the time that such person shall have held his office since the last payment; and that the successor of any such person so dying, resigning, or being removed as aforesaid, shall be entitled to receive such portion of his salary as shall be accruing or shall accrue from the day of such death, resignation, or removal.

XXVI. AND be it further enacted, that a moiety or half part of the aforesaid salaries to the vice warden for the time being and to the aforesaid officers of his said court shall be a charge on the revenues of the duchy of Cornwall, and that the same shall be paid by the receiver general for the time being of the said duchy, under debentures for that purpose from the auditor for the time being of the said duchy, in which the said auditor is hereby authorized to issue; and that the said receiver general shall, on the twenty-fifth of March and the twenty-ninth of September in each year, under the debentures so issued, pay, free from all deductions, the sums following; (videlicet,) to the vice warden for the time being the sum of three hundred and seventy-five pounds, to the registrar the sum of one hundred and twenty-five pounds, to the person so appointed secretary to the vice warden the sum of twenty-five pounds, to the prothonotary or assistant registrar the sum of fifty pounds, and to the collector the sum of seven pounds ten shillings.

XXVII. AND be it further enacted, that the person so as aforesaid appointed secretary to the vice warden, and the said prothonotary or deputy registrar, and the said collector, shall once in every half year account for and pay over to the registrar for the time being of such court all fees received by them by virtue of their respective appointments during the previous half year; and that the registrar for the time being shall forthwith make out a full and true account of all fees received by him during such preceding half year, and of all fees received by the aforesaid officers of the said court, and accounted for and paid to him as aforesaid, for the same period; and that such registrar shall have such account audited by the said vice warden for the time being, in which account and audit there may and shall be charged and allowed such small sums of money as to the vice warden shall seem reasonable for the

keeping order in, and the lighting, airing, and cleansing the place in which such court shall be held, and shall transmit a copy of such account so audited to the auditor for the time being of the said duchy, and shall pay or cause to be paid to the said receiver or his deputy one third part of the total amount of fees so appearing to have come to the hands of such registrar, for which sum so paid the receiver shall on passing his accounts give credit to the duchy in part discharge of the moiety of the salaries so as aforesaid charged on the revenues of the said duchy.

discharge of the moiety of salaries charged on the duchy revenues.

**XXVIII.** AND be it further enacted, that there shall be paid and payable the sum of one farthing in the pound sterling on the value of all metals and metallic minerals (except tin and tin ore) which shall be from time to time brought to sale in or withdrawn from any mine within the said county of Cornwall; and that the head manager of every mine in the said county of Cornwall shall, within ten days after each quarterly account of the mine over which he is head manager shall have been or ought to have been made up, transmit to the registrar for the time being of the vice warden's courts a full, true, and particular account and return of all metals and metallic minerals (except tin and tin ore) which shall have been brought to sale in or shall have been withdrawn from the mine of which he is such head manager during the preceding quarter, and shall in such return state the value in money of the respective quantities of the metals and metallic minerals specified therein at the time the same were respectively brought to sale or withdrawn, as the case may be; and that the head manager of every such mine shall on application from the collector of the vice warden's court pay or cause to be paid to such collector the sum of one farthing in the pound sterling on the aggregate value of all metals and metallic minerals (except tin and tin ore) which shall have been brought to sale or withdrawn from such mine during the preceding quarter; and that every such payment by such head manager shall be considered as costs, and shall on passing his account with respect to the mine of which he is such head manager be allowed to him accordingly.

Assessment of one farthing in the pound sterling on all metals, &c. except tin, sold or withdrawn from mines in Cornwall; and head manager of every mine to make a return quarterly of the quantity and value, &c.

**XXIX.** AND be it further enacted, that the registrar for the time being shall, out of the monies which shall from time to time be in his hands by means of such assessments as aforesaid, and by means of the remaining of the court fees as aforesaid, pay to the said vice warden and to himself and the other officers aforesaid of the said court the sums following, being other moiety of the said salaries, in manner following; (that is to say,) shall pay on the twenty-fifth day of March and on the twenty-ninth day of September in each year, free from all deductions, to the said vice warden the sum of three hundred and seventy-five pounds, to himself the registrar the sum of one hundred and twenty-five pounds, to the person filling the situation of secretary to the vice warden the sum of twenty-five pounds, to the prothonotary the sum of fifty pounds, and to the collector the sum of seven pounds ten shillings.

Registrar, out of the assessments and the remaining fees, to pay the other moiety of the salaries.

**XXX.** AND be it further enacted, that the said registrar for the time being shall at the end of every half year lay before the vice warden for the time being a full, true, and particular account of the balance remaining in his hands at the commencement of such preceding half year, and of all monies received by him during such last half year in respect of such assessment as aforesaid, and when and from whom and from what mine received, and also shall in such account give credit for the remaining portion of the said court fees so in his hands

The registrar to have his accounts of receipts from the assessments and the fees, and his payments thereout, audited by the vice warden half-yearly, &

If at the end of any half year a balance appears sufficient for the next half year, no assessment to be made during such next half year ;

but nevertheless the head manager to make the returns.

Penalty on head manager omitting to make return, or pay assessment, or making a false return.

Making out, &c., of jurors' book.

after such payment to the auditor of the duchy as aforesaid, and shall also in like manner lay before the vice warden a full, true, and particular account of all salaries and other expences paid by such registrar during the same period; and that a balance shall be thereby struck, showing the balance remaining in the hands of such registrar at the end of the then last half year ; and that thereupon the vice warden for the time being shall and is hereby required to audit the said account, and also the said account for court fees herein-before mentioned, and, if the same shall be found correct, to allow the same respectively, by putting his signature thereto ; and that such accounts when so allowed shall be filed amongst the records of the said court, and be open for the inspection of all persons in the usual way : [Provided always, that if it shall at any time appear to the vice warden for the time being, on auditing such account of the registrar, that there remains a general balance in his hands sufficient to meet all payments hereby authorized to be made thereout for the next half year, then and in such case the vice warden shall have power and is hereby required to give notice thereof by advertisement in the county papers, or in such way as he shall think fit ; and that thereupon no assessment shall be made or become payable in respect of the said one farthing in the pound sterling on the value of all metals and metallic minerals as aforesaid during such succeeding half year : Provided nevertheless, that although no such assessment shall in such case be made during such period, the said manager of every mine is required to and shall make such return as aforesaid to the said registrar of all metals and metallic minerals (except tin and tin ore) brought to sale or withdrawn from the mine over which he is such head manager, precisely as if such assessments were or would be payable in respect of the ore specified in such return.\*]

XXXI. AND be it further enacted, that if the head manager of any mine shall omit to make such full, true, and particular return as hereby required of the quantities of metals and metallic minerals (except tin and tin ore) brought to sale or withdrawn as aforesaid in the mine of which he is such head manager, or of the value thereof, as is hereby required, or shall, on demand made, omit to pay or cause to be paid such assessment as aforesaid, or shall wilfully make any false or incorrect return, then and in every such case such head manager shall be subject for every such offence to a penalty not exceeding fifty pounds.

XXXII. AND be it enacted, that the vice warden for the time being may and shall in the present and every succeeding year order the clerk of the peace of the county of Cornwall to make out a duplicate of the jurors book at the time in use, or about to be brought into use, or of such part of the said book as such vice warden may think fit to specify in such order ; and the clerk of the peace, upon the receipt of such order, shall with all convenient speed make out such duplicate, and deliver the same to the registrar of the court of such vice warden ; and that every such duplicate shall be the book of jurors qualified and liable to serve as jurymen in all cases before the vice warden for the time being ; and that every such duplicate shall be kept

\* The whole of the provisoes contained in section 30, which in any way relate to, or empower, or require half-yearly remissions of the assessment in such provisoes mentioned or referred to, are rep., 32 & 33 Vict. c. 19. s. 41.]

by the registrar, and shall be by him used as the jurors book for the time being.

XXXIII. AND be it enacted, that the registrar of the said court shall cause to be summoned, one week before the first day of each sitting of such vice warden, forty-eight persons named in the jurors book by him kept as aforesaid to attend at the time and place appointed for holding such sitting; and every such summons shall be according to the form given in the schedule hereto annexed, and shall be served either personally on each such person or by leaving it at his dwelling house; and that in summoning such persons regard shall always be had as far as may be to the convenience of the individuals so summoned; and no person shall be summoned oftener than once in a year.

Summoning of jurors.

XXXIV. AND be it enacted, that the registrar of the said court shall make a list of the jurors so summoned, together with the places of abode and additions, and shall cause their names to be written severally on slips of paper and put into a box, and the names of the jurors for the trial of causes shall be drawn out of the box by the registrar; and each party may, until no more than twelve remain, object to any person whose name is drawn out, without assigning any cause; and if any objection is made to the twelve so remaining, it must be stated to and decided on by the vice warden for the time being; and if any such objection be allowed, the names of the jurors rejected without cause assigned shall be returned to the box, and drawn again until a sufficient number be found to make a jury of twelve; and such jury of twelve shall be the jury sworn for the trial: Provided always, that if there shall not be twelve persons attending, or against whom no objection shall have been allowed, it shall be lawful for the said vice warden to order the requisite number of persons from among the by-standers to be summoned by the registrar, and sit on the jury, subject to any objections which may be made for causes assigned, except for want of qualification or want of summons: Provided also, that the said vice warden may, if he sees fit, direct the registrar to divide the list of forty-eight jurors into two lists, and to require the persons in the one list to attend and serve for so many days at the beginning of the sittings as the said vice warden shall order, and those in the other list to attend and serve for the residue of the sittings, according as the said vice warden shall think fittest for the convenience of the said persons; and then and in that case the registrar shall divide the said list of forty-eight jurors into two lists, and cause the persons named in each of such lists to be summoned to attend on different days accordingly.

Ballot and challenge of jurors.

Jury de circumstantibus.

XXXV. AND be it enacted, that if any person having been duly summoned to attend as a juror in the court of the vice warden shall not attend in pursuance of such summons, or being thrice called in court shall not answer to his name, or if any such person being present in court, or any such by-stander in court, after having been called shall not duly appear, or after his appearance shall wilfully withdraw himself from the presence of the said court, it shall be lawful for the said vice warden to impose such fine upon every such person or by-stander so making default (unless some reasonable excuse shall be given to the satisfaction of the said vice warden) as to the said vice warden shall seem meet; and if such fine shall not be paid at the time ordered by the said vice

Fine on jurors for non attendance, &c.



warden, the same shall and may be levied by writ of fieri facias to be issued out of the common law side of the said court of the vice warden.

Appointment  
of crier and  
usher.

XXXVI. AND be it further enacted, that the vice warden for the time being shall and may appoint a fit and proper person to be crier and usher of his said court, who shall hold his office during the pleasure of the vice warden for the time being, and may be removed in a summary manner, and may and shall receive such fees for acting as crier and usher of the said court as the said vice warden shall from time to time by virtue of the provisions herein contained authorize.

Vice warden  
and registrar  
not to practise  
as a barrister,  
&c.

XXXVII. AND be it further enacted, that the vice warden for the time being shall not during his continuance in such office practise as a barrister, and that the registrar for the time being of the said court shall not during his continuance in such office practise as a barrister or solicitor or attorney in such court, or in any other court of law or equity in the United Kingdom of England and Ireland.

Vice warden,  
registrar, and  
other officers to  
take no fees,  
&c. except as  
hereby pro-  
vided.

XXXVIII. AND be it further enacted, that the vice warden for the time being shall not demand or take, upon any pretence, any fee, gratuity, or reward whatever; and that such registrar and other aforesaid officers of the said court appointed under this Act shall not demand or take, upon any pretence whatever, any fee, gratuity, or reward, other than and except such as are hereby authorized, or as shall be from time to time settled and allowed by the vice warden for the time being by virtue hereof or of the provisions herein contained; and that if any such person shall offend in that behalf, he shall be removed from the office he shall then hold, and be disabled from again holding the same or any other office under this Act.

Penalty.

A list of fees to  
be hung up.

XXXIX. AND be it further enacted, that a table of all fees for the time being authorized by the vice warden to be taken by any solicitor or attorney practising in his said court, or by any officer of his said court, for business done therein, shall be hung up in some conspicuous place in such court.

The county  
prison at Bod-  
min to be the  
prison of the  
vice warden's  
court.

XL. AND whereas the gaol belonging to the courts heretofore the courts of the vice warden and of the stannaries is situate at Lostwithiel in the said county of Cornwall: And whereas it would tend more to the public convenience that the court of the vice warden should use as its gaol or prison for all purposes the prison belonging to the county of Cornwall, and situate at Bodmin, in lieu or place of the said gaol at Lostwithiel: Be it therefore enacted, that every person hereafter arrested or taken prisoner or detained by virtue of any writ, process, order, decree, or proceeding issuing out of or from or by either side of the said court of the vice warden of the stannaries, or committed for contempt of the said court, shall be taken to the county prison at Bodmin in the said county of Cornwall, or to other the prison for the time being of the said county, in the same manner, and subject to the same provisions and regulations in every respect, as if such person were arrested and conveyed to the prison by virtue of any writ, process, order, decree, or proceeding issuing out of any of the superior courts of law or equity at Westminster, or committed for contempt by any of the said last-mentioned courts; and the gaoler or keeper for the time being of such county prison as aforesaid is hereby authorized and required to receive into such county prison every person so arrested and conveyed to prison by virtue of any writ, process, order, decree, or proceeding issuing out of or from or by

either side of the said court of the vice warden, or so committed for contempt of the said court as aforesaid, and to maintain, support, and provide for every such person in the same manner as if he had been arrested and brought to the said county prison by virtue of any writ, process, order, decree, or proceeding issued out of any of the superior courts of law or equity at Westminster, or were committed for contempt of any of the said last-mentioned courts; and that all and singular the charges and expences of maintaining, supporting, and providing for every person so arrested or committed to the said county prison as aforesaid, shall be paid and defrayed out of such portion of county rate of the said county of Cornwall as for the time being shall be applicable to the support of the debtors confined in the said county prison.

XLI. AND be it enacted, that all jurisdictions, powers, and authorities heretofore lawfully exercised by the vice warden or steward or any judge of any of the stannaries shall be hereafter exercised by the vice warden for the time being; and that all penalties heretofore authorized to be recovered, and all oaths heretofore required or authorized to be taken, and all acts, matters, and things heretofore required or authorized to be had or done in any of the courts of the stannaries, or before the vice warden or the steward of any of the stannaries, shall be and are hereby required and authorized to be recovered, taken, had, and done before the vice warden or in the court of the vice warden, as the case may be; and that all proclamations, returns, certificates, exhibits, matters, and things heretofore required to be made, transmitted, or given to or deposited with any of the courts of the stannaries, or the vice warden or steward of any of the stannaries, shall be and are hereby required to be made, transmitted, and given to and deposited with the court of the vice warden; and all bonds and recognizances, heretofore required to be entered into before the steward or any of the courts of the stannaries, shall be entered into before the registrar of the said court.

The powers heretofore vested in the vice warden or steward or court of any of the stannaries to be exercised by the vice warden.

XLII. AND be it further enacted, that it shall be lawful for the Court of King's Bench at Westminster, on the application of any party to any action or suit on the common law side of the said court of the vice warden, on special and sufficient cause shown by affidavit to the satisfaction of such Court of King's Bench, that an impartial or sufficient trial cannot be had in such court of the vice warden, to remove by writ of certiorari, all proceedings which may have been had in such action or suit, and to deal therewith, and to make such orders respecting the same and the future trial of and proceedings in such action or suit, as to the said Court of King's Bench shall seem meet.

Removal of causes in certain cases to the Court of King's Bench.

XLIII. AND be it further enacted, that all Acts, statutes, laws, liberties, privileges, customs, rights, usages, and freedoms at the time of passing this Act in force in any of the stannaries of the said county of Cornwall, shall, notwithstanding any thing herein contained, continue and be and have the same force and effect as if this Act had not passed, save and except so far as the same or any of them are contrary or repugnant to the laws of this realm or inconsistent with the provisions herein contained, or are annulled, repealed, or altered hereby or by means of any of the powers and authorities hereby given.

All existing laws, customs, &c. not inconsistent with this Act or the law of the realm preserved.



Exchequer loan commissioners and by private persons to divers parishes and unions, the amount whereof or of a large part thereof is still due, and it is expedient that authority should be given in certain cases to allow a longer period for the repayment of such money: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that when any money shall have been so borrowed by any parish or union under the direction or with the sanction of the poor law commissioners, it shall be lawful for the Exchequer loan commissioners, with the approbation of the lords commissioners of his Majesty's Treasury or of any three or more of them, or for any private persons, if they shall see fit, to extend the repayment of the principal sum borrowed under the provisions of the said recited Act, and then remaining due, to such a period as calculating from the date of the charge on the poor rates of such parish or union would extend the repayment thereof to a period not exceeding twenty years instead of ten years, as provided for by the said recited Act; and in every future advance it shall be lawful for the Exchequer loan commissioners, with the approbation of the lords commissioners of his Majesty's Treasury or of any three or more of them, and also for any private persons, if they shall see fit, to extend the repayment of any principal sum so to be borrowed to a period not exceeding twenty years as aforesaid: Provided always, that not less than one twentieth part of such principal sum and the interest due in each year upon the whole sum remaining due shall be paid off in every year.

Period for repayment of loans already made may be extended to 20 years instead of 10 years;

and in future advances the repayment may be extended to 20 years.

II. AND be it further declared and enacted, that any loans which have or shall in future be made by the said Exchequer loan commissioners or by any private persons under the said recited Act, and the period of repayment of which shall be extended under the provisions of this Act, such extension shall be without prejudice to any security or securities taken or which may in future be taken for such sums or advances respectively; and such loans shall by virtue of such extension be repayable at the extended periods in such and the like manner as if such extended periods of repayment had been inserted in such security or securities respectively instead of the periods provided by the said recited Act and set forth in such security or securities respectively.

Extension of repayment of loans not to prejudice the securities.

## CHAPTER CVIII.

AN ACT to amend an Act passed in the First and Second Years of His present Majesty, for the Extension and Promotion of Public Works in Ireland.

[20th August 1836.]

WHEREAS by an Act passed in the first and second years of his present Majesty's reign, intituled "An Act for the extension and promotion of public works in Ireland," the commissioners of his Majesty's Treasury are authorized and empowered to cause or direct to be made out from time to time, as might be necessary for the purposes of the said Act, any number of Exchequer bills, the amount whereof at any time outstanding should not exceed in the whole the sum of five hundred thousand pounds: . . . . .

1 & 2 Will. 4.  
c. 83.

\* \* \* \* \*

Advances may be made at such rate of interest as the Treasury shall appoint.

III. AND be it enacted, that it shall and may be lawful for the said commissioners for the execution of the said Act for the extension and promotion of public works in Ireland to make any loan or advance upon application duly made conformably to the provisions of the said Act and this Act, and which may be approved of by the said commissioners and by the lords commissioners of the Treasury, at such rate of interest, payable half-yearly, not less than ten shillings per centum per annum above the rate of interest on the Exchequer bills which may be issued for the purpose of providing for such loan or advance [Rep., Stat. Law Rev. Act, 1874.], as the said lords commissioners of the Treasury shall direct, any thing in the said recited Act requiring a different or higher rate of interest on any loan or advance to the contrary notwithstanding.

1 & 2 Will. 4.  
c. 33. s. 14.

Commissioners may receive and consider applications without the production of estimates, &c., as required by the said Act ;

and if they approve thereof, may appoint a surveyor to inspect, survey, and report thereon, provided applicants deposit a sum to defray expence of such survey, &c.

Commissioners may take deposits or transfers of the shares, stock, &c. of public companies, as chief or collateral security for advances.

IV. AND whereas it is provided by the said recited Act that the rules and regulations to be established by the said commissioners in respect of the applications to be made to them thereunder shall contain provisions requiring in all cases the production of such detailed estimates, maps, plans, or specifications, as may be applicable to the nature of the work in respect whereof such applications may be made : And whereas it may be convenient that the previous preparation of such estimates, maps, plans, or specifications, should be dispensed with in certain cases : Be it therefore enacted, that it shall be lawful for the said commissioners to receive and take into their consideration applications made to them pursuant to the provisions of the said Act or this Act, without the production of the estimates, maps, plans, and specifications required by the said Act as aforesaid, in such cases as they in their discretion shall think fit to dispense with the production of the same ; and the said commissioners shall amend the regulations established by them as aforesaid accordingly ; and it shall be lawful for the said commissioners, if upon the consideration of any such application they shall so far approve of the same, to appoint and employ some competent surveyor or surveyors to inspect and survey and make the necessary estimates, maps, plans, or specifications of any work referred to in such application, and investigate the general object, utility, and nature thereof, and report thereon to the said commissioners, provided that the party making such application shall previously deposit, as the said commissioners shall direct, a sum adequate to defray the expence attendant upon such survey and report, and the making such maps, plans, specifications, or estimates, and all attendant expences.

V. AND be it enacted, that it shall be lawful for the said commissioners for the execution of the said Act, in the place of such real or other security or securities as they are by the said Act empowered and directed to take and require, or as collateral thereto, to accept and take, as security for any loan or advance to be made under the provisions of the said Act or this Act, deposits or transfers of the shares, stock, bonds, or debentures of such public companies as shall be approved by the said lords commissioners of the Treasury, in like manner as by the said Act such commissioners are empowered to accept and take deposits or transfers of bank or government stock, Exchequer bills, or India bonds ; and all such deposits or transfers of the shares, stock, bonds, or debentures of such public companies so assigned, transferred, or deposited, shall, in default of payment of such loan, with interest due thereon, in the manner directed and appointed by the said commissioners for the execution of the said Act, become and be absolutely vested in the said commissioners or

their secretary, as the case may be, and shall and may be sold and disposed of, or the monies due or payable by virtue thereof shall and may be sued for in due course of law, in the name of their secretary for the time being, for the use of the said commissioners.

VI. AND be it enacted, that, notwithstanding any thing in the said recited Act to the contrary, it shall not be necessary in any case, except as herein-after mentioned, for any party to whom any loan shall be made in pursuance of the provisions of the said recited Act and of this Act, or of either of them, to execute any writing obligatory to our sovereign lord the King; but in lieu thereof any party who would have been liable to execute any such writing obligatory to our sovereign lord the King shall and is hereby required, before any payment shall be made in respect of any loan to be made under the provisions of the said recited Act and of this Act, or of either of them, to make and enter into, or cause some sufficient persons or person, to the satisfaction of the said commissioners, to make and enter into, a bond or obligation in writing to the secretary for the time being of the said commissioners, together with a warrant of attorney for confessing judgment thereon (the entering of which judgment shall be in the discretion of the said commissioners), whereby the obligors or obligor therein named shall bind themselves, himself, or herself, their, his, or her heirs, executors, or administrators, in such penalty as the said commissioners shall direct; and such bond or obligation shall be conditioned to be void if the parties or party to whom any loan shall be made in pursuance of the provisions of the said recited Act and of this Act, or either of them, shall apply or cause to be applied all the money so to be advanced at such times and in such manner and for such purposes as shall be specified in any agreement which shall have been or shall hereafter be entered into between such parties or party and such commissioners for that purpose, and shall, so often as may be required by the said commissioners, lay before them a statement of the application of the money advanced, and of the progress and state of the work mentioned in such agreement, and of such further sums as may be necessary for the completion thereof, together with all contracts which may have been entered into with reference to the execution of such work, and all accounts and vouchers in any way relating thereto, and shall keep and perform all such other covenants and conditions as the said commissioners shall prescribe and require to be inserted in such bond or obligation: Provided nevertheless, that if in any case the lords commissioners of his Majesty's Treasury shall think fit to require that a writing obligatory to our sovereign lord the King should be entered into by or by any sufficient sureties or surety on behalf of any party by or on whose behalf any loan shall be applied for as aforesaid, then and in such case the said commissioners shall and they are hereby authorized to require from such party, or sufficient sureties or surety, such writing obligatory to our sovereign lord the King as is by the said recited Act directed to be taken; and all the provisions contained in the said recited Act as to any writing obligatory to our sovereign lord the King, and the remedies for putting the same in force, shall be in full force and effect as against such party, or sureties or surety, their, his, or her heirs, executors, administrators, or assigns, and their, his, or her estate and effects, any thing in this Act to the contrary notwithstanding.

Instead of obligations to the King, bonds may be made to the secretary of commissioners.

Writing obligatory to the King to be entered into when required by the Treasury.

Proceedings to  
be taken upon  
bonds.

VII. AND be it enacted, that so often as any breach or default shall be made in the performance of all or any part of the condition of any bond or obligation which shall be entered into to the said secretary under the provisions of this Act, it shall be lawful for the said commissioners from time to time at their discretion to direct their solicitor for the time being to proceed against all or any of the obligors or obligor, his, her, or their heirs, executors, or administrators; and upon proof of any such breach or default the jury shall award such sum for damages and costs as they shall think fit, not exceeding the penalty of the said bond or obligation; and such sum so awarded, when levied, shall be paid into the Bank of Ireland to the credit of the said commissioners, to be applied by them for the purposes of the said recited Act and of this Act: Provided always, that the said commissioners shall and they are hereby authorized at any time at their discretion to direct against which of the obligors in any such bond, if there are more than one, proceedings shall be from time to time taken on any such bond or obligation, and by writing under their hands and seals, to be exhibited to the barons of his Majesty's Court of Exchequer in Dublin, to direct any such proceedings to be discontinued, quashed, or abated, and the same shall thereupon be discontinued, quashed, or abated.

Upon per-  
formance of the  
condition the  
bond to be  
cancelled.

VIII. AND be it enacted, that so soon as the work, in respect of which any such bond or obligation shall have been made to the said secretary, shall be completed, and the conditions thereof fully satisfied, to the satisfaction of the said commissioners, it shall be lawful for the said commissioners and they are hereby required, upon the application of any obligor therein named, to certify in writing that the said condition has been performed; and upon production of such certificate to the proper officer of any of his Majesty's courts in Ireland, in which judgment may have been entered upon such bond or obligation, satisfaction shall be entered upon the record of such judgment; and in case judgment shall not have been entered up thereupon, the said bond or obligation shall be delivered up by the party holding the same to such obligor to be cancelled, and shall be cancelled accordingly.

Grants may be  
made for har-  
bours, &c. on  
navigable lakes  
and rivers, in  
like manner as  
for harbours,  
&c. on the sea  
coast.

IX. AND be it enacted, that it shall and may be lawful for the commissioners for the execution of the said Act to receive applications and make grants in aid of the construction and erection of small harbours, piers, and quays on navigable rivers and lakes, on the same terms and subject to the like conditions and regulations as to the amount of such grants, and all other particulars, as by the said Act provided in respect of applications and grants in aid of the construction and erection of small harbours, piers, and quays on the sea coast of Ireland, and with the like powers and authorities in relation thereto, save as such conditions and regulations, powers and authorities, may be altered by this Act.

Power to levy  
tolls.

X. AND be it enacted, that when and so often as any pier, harbour, or quay shall have been constructed, either wholly or in part, under the provisions of the said recited Act or of this Act, or of either of them, it shall and may be lawful for the said commissioners, and they are hereby authorized, to levy or cause to be levied and paid, for the use of such pier, harbour, or quay, such tolls as the lords commissioners of his Majesty's Treasury shall from time to time approve of: Provided always, that the amount of such tolls shall not exceed the probable average annual expence of maintaining and repairing

Restriction on  
amount of tolls.

such pier, harbour, or quay, and of the contingent expences to be incurred by the said commissioners in relation thereto, and of the amount of interest at the rate of not less than five pounds per centum per annum on the capital, whether public or private, expended on such work; and provided further, that in case it shall appear to the said commissioners that it would promote the public advantage that a greater amount of tolls should be levied, under the provisions of this Act, for the use of any such pier, harbour, or quay, or that such tolls should be at any time increased with a view of thereby creating a fund for the improvement of such pier, harbour, or quay, it shall be lawful for the said commissioners, and they are hereby authorized, to increase or to lower such tolls to such extent and for such period as the said commissioners shall from time to time direct, with the approbation of the lords commissioners of his Majesty's Treasury.

Power to increase the tolls for improvements.

XI. AND be it enacted, that it shall be lawful for the said commissioners, if they shall so think fit, by public bidding, from time to time to let and from time to time to relef all or any of the tolls payable under the provisions of this Act, for terms not exceeding ten nor less than five years, on such conditions and with such security for payment of the rent reserved on such lease as the said commissioners shall think fit, and the lords commissioners of his Majesty's Treasury shall from time to time approve: Provided always, that every such lease shall contain a covenant on the part of the lessee or lessees to keep such work in repair (so far as the ordinary wear and tear of such work may render necessary), and shall also contain a power of re-entry on the nonpayment of such rent, or nonperformance of such covenant for repairs, within three calendar months after the same shall become due, or after any breach of any such covenant, and a power to such commissioners at any time to put an end thereto on giving three calendar months notice to the lessees or lessee thereof of an intention so to do: Provided always, that nothing in this Act contained shall be construed to extend to or affect any tolls already raiseable and payable or which shall hereafter be made raiseable or payable by virtue of the provisions of any Act of Parliament passed before the passing of this Act.

Power to let the tolls.

Covenants, &c. in leases.

XII. AND be it enacted, that the tolls payable under the provisions of this Act, or the rent payable upon any lease thereof, shall be applied in manner following; (that is to say,) first, in repairing and maintaining the pier, harbour, or quay, in respect of which such tolls or rent shall be payable; and, in the next place, in defraying all the contingent expences of the said commissioners in relation to such work; and, in the next place, in paying interest on the capital, whether private or public, expended in the execution of such work, to the parties entitled to receive the same, at a rate not exceeding five pounds per centum per annum, so far as the same will extend; and the surplus of such tolls or rent shall be in the meantime invested in public or government securities, and suffered to accumulate so as to form a fund for the future improvement of such work, and such fund shall be applied for such purpose, at such time, and in such manner, as the said commissioners shall from time to time direct, and the lords commissioners of his Majesty's Treasury shall from time to time appoint.

Application of tolls.

XIII. AND be it enacted, that it shall be lawful for the said commissioners, in cases in which such tolls shall not be leased or let, and for the lessees or

Power to appoint collectors and enforce



payment of  
tolls.

lessee of such tolls if leased or let, from time to time to appoint sufficient collectors and officers or agents for the purpose of receiving the tolls payable under this Act; and in case any person liable to pay such tolls shall refuse or neglect to pay the same, it shall be lawful for the said commissioners, or for the lessees or lessee of the said tolls, or their officer or agent or other person to whom such toll ought to have been paid, to seize the vessel, goods, articles, and things, in respect of which such tolls ought to have been paid, wherever the same may be found, and to detain the same until such tolls, together with the reasonable cost and expences of such seizure and detention, shall be paid; and if such vessels, goods, articles, and things shall not be redeemed within twenty-one days after the seizure thereof, the same shall be appraised and sold, and, after deducting the costs of such seizure, detention, and sale, all such sums as shall be due in respect of such toll shall be satisfied thereout, and the overplus paid to the owner, in like manner as the law directs in cases of distress for rent in arrear.

Commissioners may make such bye laws for payment of tolls and use of harbours, &c. as they are enabled to do under 1 & 2 Will. 4. c. 33., &c.

XIV. AND be it enacted, that it shall and may be lawful for the said commissioners to make such bye laws, rules, and regulations for the payment of rates or tolls in and for the use and occupation of any such pier, harbour, or quay, and the preservation and safe keeping of the same, such bye laws, rules, and regulations not being contrary to the laws or statutes of this realm, as the directors of general inland navigation in Ireland were enabled to make and establish under any Act or Acts for promoting inland navigation, or as the said commissioners for the promotion and extension of public works in Ireland are now enabled to do under the provisions of the said recited Act of the first and second years of his present Majesty's reign, vesting the powers and authorities theretofore enjoyed by the said directors general in the said commissioners; and any person or persons guilty of any breach of or offending against any such bye laws, rules, or regulations, shall and may be proceeded against, and shall incur a like penalty or forfeiture, to be levied and enforced in like manner as in the case of any person offending against the bye laws, rules, or regulations at any time made by the said directors general or by the said commissioners in respect of any canal or navigation.

Advances for repair of bridges may be made by commissioners of public works.

XV. AND be it further enacted, that it shall and may be lawful to and for the said commissioners of public works, with the consent and approval of the lords commissioners of the Treasury, to make advances under this Act or the Acts herein-before recited for the building, rebuilding, or repairing of public bridges on lines of turnpike roads; provided the repayment of such advance be adequately secured upon the tolls of such turnpike roads, or other adequate security.

Treasury may enlarge the time for payment of the principal, and reduce the interest on existing and new loans.

XVI. AND be it enacted, that, notwithstanding any thing in the said recited Act or in this Act contained, in any case in which any loan or advance for any purpose has already been or shall be made, under the provisions of the said recited Act and of this Act, or of either of them, to any body, company, or party, on any security whatever, to be repaid on any terms whatever, either as to principal or interest, it shall and may be lawful for the lords commissioners of his Majesty's Treasury and they are hereby authorized at their discretion, notwithstanding the terms of any agreement which may have been made or shall hereafter be made as to such loan, to enlarge the time within or to increase the number of instalments in which such loan or

any part thereof shall be required to be repaid, or to reduce the rate of interest which shall be payable on such loan or on any unpaid part thereof; and every such extension of time or reduction of the rate of interest, when made as aforesaid, shall be as valid and effectual as if the same had been part of the terms of such loan or advance, and as if all the securities entered into in relation to such loan had been entered into after such extension of time or reduction of interest had been made: Provided always, that the interest shall in no case be reduced to a rate less than ten shillings per centum per annum above the rate of interest on the Exchequer bills made out or issued for the purpose of such loan or advance [Rep., Stat. Law Rev. Act, 1874].

XVII. AND be it enacted, that, any thing in the said recited Act to the contrary notwithstanding, it shall be lawful for the said lords commissioners of the Treasury to release and discharge, if they shall so think fit, any party who under the provisions of the said recited Act shall be liable to be called upon to contribute any sum of money for the purpose of completing any work in respect of which any loan has been or shall be made, over and above or in addition to the amount for which such party subscribed or contracted to subscribe towards the execution of any such work; and that in any loans which shall hereafter be made under the provisions of the said recited Act and of this Act, or either of them, no such liability shall be incurred unless the lords commissioners of his Majesty's Treasury shall so direct: Provided always, that it shall be lawful for the lords commissioners of his Majesty's Treasury, if they shall think fit, at any time by any writing under their hands to declare that any loan which shall hereafter be made shall be made subject to such liability to contribute being incurred, and at any times or time after such liability shall have been incurred, if they shall so think fit, to release and discharge all or any of the parties who shall be so liable to contribute from the payment of the whole or any part of the sums or sum of money which he, she, or they shall be so liable to contribute or pay; and in case the lords commissioners of his Majesty's Treasury shall think fit to make any such declaration requiring such liability to be undertaken, the said commissioners for the execution of the said recited Act and of this Act shall make such loan upon such condition that such liability to contribute shall be incurred; and in case the said lords commissioners of his Majesty's Treasury shall subsequently release or discharge any party from such liability, every such party shall from thenceforth be so released and discharged therefrom accordingly.

In existing loans Treasury may dispense with or release from liability to contribute towards the completion of works beyond the amount subscribed, &c.

XVIII. AND be it enacted, that every mortgage, assignment, or other security (except the writing obligatory herein-before mentioned), which is directed or required to be made in pursuance of the provisions of the said recited Act and of this Act, or of either of them, for securing the repayment of any loan and interest, may be made in such of the forms set forth in the schedule to this Act as shall be applicable thereto, or as near thereto as the circumstances of the case will admit; and that every estate, right, title, interest, claim, and remedy created by or which shall arise by virtue of such mortgage, assignment, or other security, or by any bond or obligation in writing to be executed to the secretary of the said commissioners under the provisions of this Act, shall be vested in the secretary for the time being of

Securities to be taken in the forms set forth in the schedule.

Rights, &c. under securities to vest in the secretary of commissioners.

the said commissioners without any assignment or transfer being executed to him.

Meaning of  
commissioners  
of Treasury in  
this Act.

XXI. AND be it enacted, that wherever the lords commissioners of the Treasury shall be named in this Act, the provision shall be deemed to import and apply to any three or more of them, or to the lord high treasurer when such officer there shall be.

### SCHEDULE to which the foregoing Act refers.

#### No. 1.

FORM of Security by way of Mortgage or Assignment of any Freehold or Leasehold or Personal Estate, or by way of Deposit of any Title Deeds or Documents relating to any Freehold, Leasehold, or other Personal Estate.

WHEREAS by virtue of an Act passed in the first and second years of his present Majesty, intituled "An Act for the extension and promotion of public works in Ireland," and of an Act passed in the year of his present Majesty, intituled [here insert the title of this Act], the commissioners for the execution of the said Acts have agreed to lend and advance to us, A.B. [here insert the names of the parties receiving the loan or advance, and the sum, and the terms on which it is made]: It is therefore witnessed, that in pursuance of the said agreement, and in consideration of the sum of so agreed to be advanced as aforesaid, we the said A.B. [here insert the names of the parties to the agreement interested in the work] do assign [here insert the description of the work], together with all our estate, right, title, and interest therein, and we the said A.B. of [principals], and C.D. of [sureties], do for the like consideration assign [or deposit, as the case may be], [here insert a description of the property intended to be assigned or deposited by way of security], together with all our respective estates, rights, title, and interest therein respectively, unto the secretary of the commissioners for the extension and promotion of public works in Ireland, to hold the same respectively in trust for the said commissioners and their successors until the said sum of and all interest to become due thereon, shall be fully paid and satisfied, and until [here insert such other conditions as the commissioners shall prescribe], in pursuance of the terms of the said agreement. Given under our hands this day of in the year of our Lord

#### No. 2.

FORM of Security by way of Bond or Obligation in Writing.

WHEREAS by virtue of an Act passed in the first and second years of his present Majesty, intituled "An Act for the extension and promotion of public works in Ireland," and of an Act passed in the year of his present Majesty, intituled [here insert the title of this Act], the commissioners for the

execution of the said Acts have agreed to lend and advance to us, A.B. [here insert the names of the parties receiving the loan or advance, and the sum, and the terms on which it is made]: It is therefore witnessed, that in pursuance of the said agreement, and in consideration of the said sum of pounds so agreed to be advanced as aforesaid; we the said A.B. [here insert the names of the parties to the agreement interested in the work] do assign the said [here insert the short description of the work], together with all our estate, right, title, and interest therein, unto the secretary of the commissioners for the extension and promotion of public works in Ireland, to hold in trust for the said commissioners and their successors until the said sum of pounds, and all interest to become due thereon, shall be fully paid and satisfied, in pursuance of the terms of the said agreement; and for the like consideration we, A.B. of and C.D. of [here insert the names of all the obligors], are jointly and severally held and firmly bound to the said secretary of the said commissioners in pounds, to be paid to him in trust for the said commissioners and their successors, for which payment we bind ourselves and each of us, and our and each of our heirs, executors, and administrators, firmly by these presents sealed with our respective seals, dated this day of : Provided always, and the condition of these presents is, that if the said sum of pounds mentioned in the said agreement of the day of , and all interest to become due thereon, shall be fully paid and satisfied in pursuance of the terms of the said agreement, and if [here insert such other conditions as the commissioners shall prescribe], then these presents shall be void, or else shall remain in full force.

## CHAPTER CX.

AN ACT to repeal so much of an Act of the Fifty-fourth Year of King George the Third, respecting Copyrights, as requires the Delivery of a Copy of every published Book to the Libraries of Sion College, the Four Universities of Scotland, and of the King's Inns in Dublin. [20th August 1836.]

**W**HEREAS by an Act passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled "An Act to amend the several Acts for the encouragement of learning by securing the copies and copyright of printed books to the authors of such books or their assigns," it is among other things enacted, that eleven copies of every published book shall be gratuitously delivered to eleven public libraries named in the said Act: And whereas the provisions of the said Act have in certain respects operated to the injury of authors and publishers, and have in some cases checked or prevented the publication of works of great utility and importance, and it is therefore expedient that the said Act should be amended: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said recited Act as requires that a copy of every book which shall be printed and published shall be delivered in manner therein mentioned to the warehouse keeper of the Company of Stationers for the use of the library of Sion College, the libraries of the four universities of Scotland, and the King's Inns library at Dublin, shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874.]

54 Geo. 3.  
c. 156.

So much of  
recited Act as  
requires the  
delivery of  
copies of books  
for the libraries  
herein men-  
tioned repealed.

Compensation to be made to the said libraries out of consolidated fund.

II. AND be it further enacted, that it shall be lawful for the lord high treasurer or for the commissioners of his Majesty's Treasury, or any three or more of them, from time to time to issue and pay out of the consolidated fund of the United Kingdom of Great Britain and Ireland, to the person or persons or body politic or corporate, proprietors or managers, of each of the aforesaid libraries, such an annual sum as may be equal in value to and a compensation for the loss which any such library may sustain by reason of the said Act being repealed, so far as relates to such library ; such annual compensation to be ascertained and determined according to the value of the books which may have been actually received by each such library, in such manner as the commissioners of his Majesty's Treasury or any three or more of them shall direct upon an average of the three years ending the thirtieth day of June one thousand eight hundred and thirty-six.

Application of the compensation.

III. AND be it further enacted, that the person or persons or body politic or corporate, proprietors or managers of the library for the use whereof any such book would have been delivered, shall and they are hereby required to apply the annual compensation hereby authorized to be made in the purchase of books of literature, science, and the arts, for the use of and to be kept and preserved in such library : Provided always, that it shall not be lawful for the said lord high treasurer or commissioners of his Majesty's Treasury to direct the issue of any sum of money for such annual compensation until sufficient proof shall have been adduced before him or them of the application of the money last issued to the purpose aforesaid.

## CHAPTER CXI.

AN ACT to prevent the Fact of a previous Conviction being given in Evidence to the Jury on the Case before them, except when Evidence to Character is given. [20th August 1836.]

7 & 8 Geo. 4.  
c. 28. s. 11.

WHEREAS by an Act passed in the seventh and eighth years of the reign of King George the Fourth, intituled "An Act for further improving the administration of justice in criminal cases," provision is made for the more exemplary punishment of offenders who shall commit any felony not punishable with death after a previous conviction for felony : And whereas since the passing of the said Act the practice has been on the trial of any person for any such subsequent felony to charge the jury to inquire at the same time concerning such previous conviction : And whereas doubts may be reasonably entertained whether such practice is consistent with a fair and impartial inquiry as regards the matter of such subsequent felony, and it is expedient that such practice should from henceforth be discontinued : Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall not be lawful on the trial of any person for any such subsequent felony to charge the jury to inquire concerning such previous conviction until after they shall have inquired concerning such subsequent felony, and shall have found such person guilty of the same ; and whenever in any indictment such previous conviction shall be stated, the

A previous conviction not to be given in charge or read to the jury until after the finding for a subsequent felony, except when

reading of such statement to the jury as part of the indictment shall be deferred until after such finding as aforesaid: Provided nevertheless, that if upon the trial of any person for any such subsequent felony as aforesaid such person shall give evidence of his or her good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the indictment and conviction of such person for the previous felony before such verdict of guilty shall have been returned, and the jury shall inquire concerning such previous conviction for felony at the same time that they inquire concerning the subsequent felony.

evidence as to  
good character  
is given.

#### CHAPTER CXIV.

AN ACT for enabling Persons indicted of Felony to make their Defence by Counsel or Attorney. [20th August 1836.]

**W**HEREAS it is just and reasonable that persons accused of offences against the law should be enabled to make their full answer and defence to all that is alleged against them: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of October next all persons tried for felonies shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto, by counsel learned in the law, or by attorney in courts where attornies practise as counsel.

All persons  
tried for felony  
after 1st Octo-  
ber next may  
make their  
defence by  
counsel or  
attorney.

\* \* \* \* \*

[III.\*] AND be it further enacted, that all persons who after the passing of this Act shall be held to bail or committed to prison for any offence against the law, shall be entitled to require and have, on demand, (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same,) copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same, not exceeding three halfpence for each folio of ninety words: Provided always, that if such demand shall not be made before the day appointed for the commencement of the assize or sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the judge or other person to preside at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall nevertheless be competent for such judge or other person so to preside at such trial, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

Copies of depo-  
sitions to be  
allowed to  
prisoners, &c.

IV. AND be it further enacted, that all persons under trial shall be entitled, at the time of their trial, to inspect, without fee or reward, all depositions (or

Prisoners en-  
titled to inspect  
depositions on  
trial.

[\* So much of this Act as relates to the right of parties charged with offences to have copies of the depositions or examinations against them, rep., as to England, : 11 & 12 Vict. c. 42. s. 34.; as to Ireland, 12 & 13 Vict. c. 69. s. 34.]

copies thereof) which have been taken against them, and returned into the court before which such trial shall be had.

Act not to  
extend to Scot-  
land.

V. AND be it further enacted, that . . . . . nothing  
herein contained shall extend to Scotland.

## CHAPTER CXV.

AN ACT for facilitating the Inclosure of Open and Arable Fields in England and Wales. [20th August 1836.]

WHEREAS there are in many parishes, townships, and places in England and Wales, divers open and common arable, meadow, and pasture lands and fields, and the lands of the several proprietors of the same are frequently very much intermixed and dispersed, and it would tend to the improved cultivation and occupation of all the aforesaid lands within such parishes, townships, and places, and be otherwise advantageous to the proprietors thereof and persons interested therein, if they were enabled by a general law to divide and inclose the same: And whereas an Act was passed in the forty-first year of the reign of his late Majesty King George the Third, intituled "An Act for consolidating in one Act certain provisions usually inserted in Acts of inclosure, and for facilitating the mode of proving the several facts usually required on the passing of such Acts": And whereas another Act was passed in the first year of his late Majesty King George the Fourth, intituled "An Act to amend the law respecting the inclosing of open fields, pastures, moors, commons, and waste lands in England": Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for two third parts in number and value (such value to be ascertained as herein-after mentioned) of the several persons who shall be seised or possessed of or entitled in possession to or interested in possession in any rights of common or other rights in any open and common arable fields (including any untitled slips or balks therein), or any open and common meadow or pasture lands or fields, in any parish, township, or place in England or Wales, known by metes and bounds, or occupied according to known and legal rights (except as herein-after provided), as tenant in fee simple or in fee tail, general or special, or for life or lives, or by the courtesy of England, or for any other estate of or as of freehold, or for years determinable on any life or lives, or for any term of years whereof one hundred years shall be unexpired, or as a holder of lands or rights of copyhold, customary, tenant right, or other tenure, of an estate or interest equal in quantity to the estates herein-before mentioned or any of them, and for the guardian, trustee, feoffee for charitable or other uses, husband or committee of such person who at the time of any agreement for or on the making of any inclosure authorized by this Act shall be an infant, idiot, lunatic, or feme covert, or under any other disability, in such manner and with such consent as is herein-after mentioned, to inclose such open and common arable, meadow, and pasture lands and fields, or any of them, and to extinguish the right of inter-commonage which shall exist as well over as in respect of such land:

41 Geo. 3.  
c. 109.

1 & 2 Geo. 4.  
c. 23.

Open and common lands may be inclosed with the consent of two third parts in number and value of the parties interested therein.

Provided that no such inclosure shall take place without the consent in writing under the hands of two third parts in number and value of the persons so seised, possessed, entitled, or interested as aforesaid, or of the guardians, trustees, feoffees, husbands or committees aforesaid of such of the said persons who may be under disability as aforesaid, such value to be ascertained by the assessments of the poor rates of the respective parishes or townships for the then current year, which assessments of the poor rates, in case they shall not be made according to the full annual amount or value of the tenements and property thereby assessed, shall be increased or diminished so as to represent the full or true annual value of the several lands, fields, and rights liable to be affected by the intended inclosure, and where the lands are extra-parochial, or no poor rates shall exist in respect of any such lands, then by the full or true annual value thereof: Provided also, that no such inclosure shall take place, nor shall any agreement for that purpose be binding, until a public meeting of the proprietors and persons interested in the lands intended to be inclosed shall have been previously called for the purpose of taking the expediency of such inclosure into consideration by notice under the hands of three or more of such proprietors or persons interested, such notice to be affixed on the principal outer door of the church or chapel of the parishes, townships, or places wherein the lands intended to be inclosed shall lie, or in case there be no such church or chapel, then on the door of the church or chapel of some adjoining parish, township, or place, and also advertised in some newspaper circulating in the county wherein such lands lie, at least fourteen days before the said intended meeting; provided that such inclosure may after such meeting be proceeded with by and with the consent in writing of two third parts in number and value of the proprietors and persons interested in the lands intended to be inclosed, notwithstanding some of the parties who may approve of and consent to such inclosure may not be present at such meeting, and may signify their consent thereto after the same shall have been holden.

II. AND be it further enacted, that whenever any inclosure shall be proposed to be made or consented to under the authority of this Act, or any agreement for compensation in pursuance of the provisions in that respect herein-after contained shall be entered into, by any person or persons who being necessary to make up, and without whom there shall not be consenting parties sufficient to make up, the proportion of two third parts in number and value herein-before required, or other the proportion herein-after required in the case of an inclosure without the assistance of commissioners, and who shall have a less estate or interest in the land to be inclosed, or the said rights therein, than a fee simple or an estate in tail, or be an holder of a copyhold or customaryhold tenant right or other tenure in such lands or rights for any less estate than an estate or interest in fee or in tail, or shall be under any disability, such consent shall not be available for the purposes of this Act unless the person to whom the next immediate vested estate of freehold or of copyhold or customaryhold tenant right or other tenure of inheritance, in remainder or reversion, shall have been limited (provided such person shall be of the full age of twenty-one years, and being a female shall be unmarried), shall consent thereto in writing; and such consent shall be sufficient for the purposes of this Act, notwithstanding the person giving the same

Consent of tenant in remainder necessary in certain cases.



Consent of patron, &c. necessary in case of land held in right of a benefice.

may have an equitable estate only in the land intended to be inclosed, or may have previously charged or incumbered his reversionary estate therein: Provided always, that if the person to whom such next immediate vested estate in remainder or reversion may have been limited, shall, at the time such inclosure is proposed to be made, happen to be an infant, feme covert, idiot, or lunatic, it shall be lawful for the guardian or husband or committee of such infant, feme covert, idiot, or lunatic, to consent to such inclosure in his or her stead: Provided always, that in respect to any land held in right of any benefice no consent of the incumbent thereof shall alone be available for the purposes of this Act, where such consent shall be necessary to make up the proportion of two third parts in number and value herein-before required, or other the proportion herein-after required in the case of an inclosure without the assistance of commissioners, without the concurrence of the patron of such benefice, and of the archbishop or bishop to whose ordinary or peculiar jurisdiction the said benefice shall be subject; and if the patron of such benefice shall happen to be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian, committee, or husband of such patron to consent to such inclosure in the stead of such patron, and on his or her behalf: Provided always, that if the patronage of such benefice shall happen to be in the crown, and the benefice shall exceed the yearly value of twenty pounds in the King's books, no consent of the incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up either of the proportions aforesaid, without the concurrence of the lord high treasurer or the first lord commissioner of the Treasury for the time being, who are respectively hereby authorized so to concur; but if such benefice shall not exceed the yearly value of twenty pounds in the King's books, then no consent of the incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up either of the proportions aforesaid, without the concurrence of the lord high chancellor, lord keeper or lords commissioners of the great seal for the time being, who is and are hereby authorized to give such consent on behalf of the crown.

Commissioners to be nominated by the parties consenting to the inclosure.

III. AND be it further enacted, that whenever the persons whose consents are hereby rendered necessary to any such inclosure shall have consented thereto in manner in that behalf herein authorized and required, it shall be lawful for the major part in number and value of the proprietors of and persons interested in the lands intended to be divided and inclosed, or their known agents, who may be present at a meeting to be called for that purpose, to nominate and appoint in writing under their hands one or more person or persons (not interested in the premises) to be a commissioner or commissioners for dividing, allotting, and inclosing, and he or they is and are hereby empowered to divide, allot, and inclose, all or any of the open and common arable, meadow, or pasture lands or fields in any such parish, township, or place, or in any parishes, townships, or places adjoining or lying within two miles of the aforesaid parish, township, or place, which may have been agreed to be divided, allotted, and inclosed as aforesaid; and when and as often as any such commissioner, or any commissioner to be from time to time appointed in his place, shall die, neglect or refuse or become incapable to act, it shall be lawful for the major part in number and value of the proprietors of such open common arable fields or other lands or fields as aforesaid so agreed to be

divided, allotted, and inclosed, or of their agents, assembled at a public meeting to be held in manner herein-before mentioned in respect to the meeting for taking such inclosure into consideration, to nominate and appoint any other person not interested in the premises to be a commissioner in the stead or place of the commissioners so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said proprietors or persons interested as aforesaid shall make default in appointing any new commissioner within two calendar months after any such death, neglect, refusal, or disability shall happen, and shall be known and signified to them or any two of them respectively as aforesaid, then the surviving or remaining commissioner (if any) shall and he is hereby required from time to time, by writing under his hand, within one calendar month next after the expiration of the said period allowed to the proprietors or persons interested for naming such new commissioner to be appointed as aforesaid, to appoint one other commissioner, not interested in the said inclosure, in the place of such commissioners so dying, neglecting, refusing, or becoming disabled to act as aforesaid; and every such new commissioner so to be appointed shall have the like powers and authorities for carrying this Act into execution in all respects whatsoever, as the commissioner in whose place he shall have been so appointed and chosen as aforesaid was invested with under and by virtue of this and the said herein-before recited Act.

IV. AND be it further enacted, that the said commissioner or commissioners shall and they are hereby authorized and empowered to appoint a clerk to assist him or them in the execution of the said recited Act and this Act, and shall and may remove such clerk and appoint another in his room as to him or them shall seem meet; and in case of the death, incapacity, neglect, or declining to act of any such clerk, then and in any such case the said commissioner or commissioners shall and may appoint any other person to be clerk.

Commissioners to appoint a clerk.

V. AND be it further enacted, that in all cases where two commissioners shall have been appointed for any such inclosure, they shall, before they proceed upon the business of such inclosure, by writing under their hands appoint a fit and proper person (not interested in the said division and inclosure) to act as umpire between them, and from time to time afterwards renew such appointment in the event of the death, refusal, neglect, or incapacity to act of the person so appointed; and if any difference of opinion shall arise between them touching or concerning any matter or thing to be done by them by virtue or in the execution of the said recited Act or of this Act, the matter upon which such difference shall arise shall be settled and determined by such person so to be appointed umpire, whose determination therein shall be deemed and taken to be the determination of the said commissioners, and shall be reduced into writing, and shall be binding and conclusive upon all parties whomsoever (so far as the acts and determinations of the commissioners are by the said recited Act or this Act declared to be final and conclusive); and for the purposes aforesaid such umpire shall have and he is hereby invested with the same powers and authorities as by the said recited Act and this Act are given or vested in the said commissioners.

Umpire to be appointed.

In case of difference of opinion between the commissioners, the matter to be determined by the umpire.

VI. PROVIDED always, and be it further enacted, that no person shall be capable of acting as a commissioner or an umpire or a surveyor in the execution of this Act or the said recited Act, until he shall have taken and

Commissioners, &c. to take an oath before acting.

subscribed an oath or made an affirmation in the form or to the effect following before one of his Majesty's justices of the peace for the county, riding, division, or place, in which the lands intended to be inclosed, or some part thereof, are situate; which oath or affirmation the said justice is hereby empowered to administer; (that is to say,)

Form of oath. ' I A.B. do swear [or, being one of the people called Quakers, do solemnly affirm], that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, execute and perform the several powers and authorities vested and reposed in me as a commissioner [or an umpire] or surveyor [as the case may be] by virtue of an Act passed in the year of the reign of King William the Fourth, intituled "An Act, &c." [here set forth the title of this Act], according to equity and good conscience without favour or affection, prejudice or partiality, to any person or persons whomsoever.

' So help me GOD.'

[Or, being a Quaker, omit the words 'So help me God.']

Commissioners to give notice of meetings, &c.

VII. AND be it further enacted, that the said commissioner or commissioners or umpire shall and he or they is or are hereby required to cause notice in writing to be affixed to the respective church or chapel doors of the parish, township, or place wherein the lands intended to be inclosed are situate, or, if there be no church or chapel, then in some conspicuous public place there, and also a like notice to be published in some newspaper circulating in the county wherein such lands lie, of the time and place of his or their attendance or meeting, and of all other subsequent attendances or meetings for executing the powers hereby or in and by the said recited Act vested in him or them, ten days before any such meeting (meetings by adjournment only excepted); and if there be two commissioners, and not more than one of them shall attend at the time and place appointed for any such meeting, it shall be lawful for the commissioner who shall attend such meeting, or the clerk of the said commissioners, or, if notice shall have been given of such meeting by any umpire, and both the commissioners shall not attend the same, it shall be lawful for such umpire, to adjourn such meeting to any future day not exceeding fourteen days from the day of adjournment; and such clerk shall cause notice of such adjournment to be given to the said commissioners: Provided always, that all the meetings of the said commissioners, or umpire and commissioners, shall be holden in one of the parishes or townships wherein the lands to be inclosed are situate, or within seven miles of the boundaries of one of them.

Adjournment of meeting in case of failure of attendance of commissioners.

Place of meeting.

Mode in which other notices are to be given.

VIII. PROVIDED always, and be it further enacted, that all other notices necessary or requisite to be given by the said commissioner or commissioners or umpire shall be so given by affixing the same on the respective church or chapel doors of the several parishes, townships, or places wherein the lands to be inclosed are situate, or, if there be no church or chapel, in some conspicuous public place in such parishes, townships, or places, and by advertisement in a newspaper circulating in the county wherein such lands are situate.

Allowance to commissioners, umpire, and surveyors.

IX. AND be it further enacted, that out of the money that shall arise for defraying the expences of executing this Act there shall be paid to each of the commissioners (if more than one) and to the umpire who shall act in the execution thereof, as a recompence for his pains and trouble, the sum of three

guineas for each and every day they shall respectively be employed in travelling to, returning from, and attending in the execution of this Act, and no more; and at all meetings to be held in pursuance of this Act the said commissioners and umpire shall, out of such allowance, defray their own expences; and there shall be paid to the surveyor or surveyors to be appointed for the purposes of this Act such allowances in respect of his or their services as the said commissioner or commissioners shall adjudge to be a full recompence and satisfaction for all his or their expences and charges whatsoever in attending the said commissioners, and in surveying and admeasuring the lands and grounds to be inclosed, and in planning and staking out the several allotments intended to be made, and in making such maps and plans as may be required respectively by virtue of this Act.

X. PROVIDED always, and be it enacted, that it shall be lawful for the major part in number and value of the proprietors and persons interested as aforesaid to make any agreement with any commissioner or commissioners or surveyor or surveyors to be appointed under this Act for the payment to them respectively of one sum for the whole duty or any part thereof to be performed by them or either of them.

Major part of proprietors may agree for payment of a gross sum to commissioners, &c.

XI. PROVIDED further, and be it enacted, that it shall be lawful for four fifths in number and value of such proprietors and persons interested as aforesaid to agree upon the adoption for the purposes of this Act of any plan, map, admeasurement, or valuation previously made; and such agreement shall be binding upon any commissioner or commissioners or umpire who may be appointed in pursuance of the provisions of this Act.

Four fifths of proprietors, &c. may agree to adopt any previous plan, &c.

XII. PROVIDED also, and be it enacted, that it shall be lawful for four fifths in number and value of such proprietors and persons interested as aforesaid to agree upon the rules, conditions, and principles according to which any such commissioner or commissioners or umpire shall act in allotting the lands to be inclosed to the several persons interested therein; and such agreement shall be binding upon such commissioner or commissioners or umpire as aforesaid.

Four fifths in number may agree upon rules for guidance of commissioners or umpire.

XIII. PROVIDED nevertheless, and be it further enacted, that it shall be lawful for any proprietor or person interested as aforesaid, who may deem himself aggrieved by any such agreement as herein-before mentioned for the payment of a commissioner or commissioners, surveyor or surveyors, or for the adoption of any plan, map, admeasurement, or valuation, or for establishing any rules, conditions, and principles for the guidance of the commissioner or commissioners or umpire in making allotments, to appeal against the same to the first general quarter sessions of the peace to be holden in and for the county, riding, or division wherein the lands, or the greater part thereof, in respect of which the matter of complaint may arise, shall be situate, or some adjournment thereof, or if such general quarter sessions shall be holden within one month from the making of such agreement, then to the general quarter sessions next following such first general quarter sessions, or some adjournment thereof; and notice of such appeal shall in each case be given in writing to the commissioner or commissioners seven days at the least before the day on which such sessions respectively shall be holden: Provided always, that in the event of the decision upon any such appeal being in favour of the appellant it shall be lawful for any party who shall

Such several agreements may be appealed against to the quarter sessions.

Notice of appeal to commissioners.

Agreements may in certain cases be re-

voked, where  
decision is in  
favour of  
appellant..

have consented to such agreement for inclosure as aforesaid to withdraw his consent from such agreement, by giving notice in writing to that effect to the commissioner or commissioners at any time within twenty-one days after the day on which the decision upon such appeal as aforesaid shall have been given; and if by reason of such withdrawal of consent the proportion of two thirds in number and value of consenting parties shall not remain, the said agreement for inclosure shall thenceforth cease and determine.

Objections to  
any account or  
claim delivered  
to the commis-  
sioners shall be  
signed in dupli-  
cate, and one  
copy delivered  
to the party  
objected to, &c.

XIV. AND be it further enacted, that if any of the parties interested in the premises shall have any objection or objections to any of the accounts or claims which shall be delivered to the said commissioner or commissioners by virtue of the said recited Act or of this Act, such objection or objections shall be reduced into writing, and two parts thereof shall be signed by the party or parties making the same, or by some person or persons on his, her, or their behalf, and one part thereof shall be delivered to the party or parties whose claim or account shall be objected to, or to his, her, or their agent, or left at his, her, or their last and most usual place or places of abode, at such time or times as the said commissioner or commissioners shall appoint for that purpose.

Commissioners  
may settle dis-  
putes between  
parties in-  
terested.

XV. AND be it further enacted, that if any dispute or difference shall arise between any of the parties interested or claiming to be interested in the said intended division, allotment, and inclosure, touching or concerning the respective rights or interests which they or any of them shall claim to have in, to, or out of the lands and fields hereby authorized to be divided, allotted, and inclosed, or touching or concerning any other matter or thing relating to the said division, allotment, and inclosure, it shall be lawful for the said commissioner or commissioners, and they are hereby authorized and required, to examine into, hear, and determine the same respectively; provided that nothing in this Act contained shall authorize the said commissioner or commissioners to determine the title to any manors, messuages, cottages, lands, tenements, or hereditaments whatsoever.

Commissioners  
may award  
and enforce  
payment of  
costs.

XVI. AND be it further enacted, that in case the said commissioner or commissioners shall, upon the hearing and determination of any claim or claims, objection or objections, to be delivered to them in pursuance of the said recited Act or this Act, see cause to award any costs, it shall be lawful for the said commissioners and they are respectively hereby empowered, upon application being made to them for that purpose, to settle, assess, and award such costs and charges as they shall think reasonable to be paid, either for the public account for or towards the expences occasioned in or relating to the investigation, settling, and determining of such claim or claims, if finally disallowed, or to the party or parties in whose favour any determination of the said commissioner or commissioners shall be made, by the person or persons whose claim or objection shall be thereby disallowed or over-ruled, or against whom the said commissioner or commissioners shall have determined as aforesaid; and in case the person or persons who shall be liable to pay such costs shall neglect or refuse to pay the same, upon demand, it shall be lawful for the said commissioner or commissioners, and he and they are hereby authorized and required, by warrant under their hands and seals, directed to any person or persons whomsoever, to cause such costs to be levied by distress and sale of the goods and chattels of the person or

persons so neglecting or refusing to pay the same, rendering the overplus (if any), upon demand, to such person or persons whose goods and chattels shall have been so distrained and sold, after deducting the costs and charges attending such distress and sale.

XVII. PROVIDED always, and be it further enacted, that in case any person or persons interested or claiming to be interested in the said intended division and inclosure shall be dissatisfied with any determination of the said commissioner or commissioners or umpire touching or concerning any claim or objection which shall be delivered to the said commissioners in pursuance of the said recited Act or this Act, or touching or concerning any property, right, or interest intended to be affected by such determination, and shall cause notice in writing of such dissatisfaction to be delivered to or left at the usual places of abode of the commissioner or commissioners or umpire making such determination, and of the party or parties in whose favour such determination shall have been made, if there be any party or parties specially interested in the same, or his, her, or their agent, within thirty days next after such determination shall have been notified in writing to the several parties or persons specially interested, if any such there be, it shall be lawful for such person or persons so dissatisfied, and giving such notice as aforesaid, to bring or cause to be brought an action or actions upon a feigned issue against the person or persons in whose favour such determination shall have been made, and to proceed to a trial at law of the matter so determined by the said commissioners or umpire at the then first or second assizes to be holden for the county wherein the lands relating to which such dispute shall arise are situate; and the defendant or defendants in such action or actions shall, and he, she, and they is and are hereby required to name an attorney or attornies, who shall appear thereto, and file common bail, and accept one or more issue or issues, whereby such claim or claims, rights in question, and the property, right, and interest thereby insisted upon, may be tried and determined; such issue or issues to be settled by the proper officer of the court in which the said action shall be commenced, in case the said parties shall differ about the same; and the verdict or verdicts which shall be given upon the trial of such action shall be binding, final, and conclusive, unless the court wherein such action shall be brought shall set aside such verdict or verdicts, and order a new trial to be had thereon, which it shall be lawful for the said court to do in case the said court shall think proper; and after such verdict or verdicts shall be obtained, and not set aside, the said commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the claim, property, right, or interest thereby determined, according to the event of such trial or trials; and the costs and charges payable by the said commissioner or commissioners in or relating to such action or actions shall be paid and discharged out of the monies to be raised by him or them for the purposes of this Act: Provided always, that if no such notice shall be given, and such action or actions at law shall not be commenced as aforesaid, or if any such action shall be commenced, and the plaintiff or plaintiffs therein shall not proceed to trial within the time herein-before limited for that purpose, then the determination of the said commissioner or commissioners or umpire shall be final, binding, and conclusive to all intents and purposes whatsoever: Provided always, that if any of the parties in any such action to

Appeal from  
decisions of  
commissioners  
or umpire.

be commenced as aforesaid shall die before the determination thereof, such action shall not abate by reason thereof, but shall be proceeded in as if no such event had happened; and that no difference, suit, or proceeding as aforesaid, nor any difference or dispute touching the title to any lands, tenements, or hereditaments, shall impede or delay the said commissioner or commissioners in the execution of the powers of this Act, but the division, allotment, and inclosure hereby authorized to be made shall be proceeded in notwithstanding any such difference or proceeding.

Death of parties  
not to hinder  
actions being  
brought, &c.

XVIII. PROVIDED always, and be it further enacted, that if any person or persons in whose favour such determination as aforesaid shall have been made, and against whom any such action or actions might have been brought if living, shall die before any such action or actions shall have been brought, and before the expiration of the time herein-before limited for bringing such action or actions, it shall be lawful for the person or persons who might have brought such action or actions against the person or persons so dying to bring the same within the time so limited as aforesaid against such person or persons as aforesaid as if actually living, and to serve the clerk of the said commissioner or commissioners with process for commencing such action or actions in the same manner as the party or parties so dying might have been served therewith if living; and it shall thereupon be incumbent upon the heir or heirs, or other person or persons who shall claim the benefit of such determination as aforesaid, to appear and defend such action or actions in the name or names of the person or persons so dead; and proceedings shall be had therein in the same manner as if such person had been actually living, and the rights of all parties shall be equally bound and concluded by the event of such action or actions.

Commissioners  
not to deter-  
mine rights  
against parties  
in possession,  
except in cases  
of encroach-  
ments within  
20 years.

XIX. PROVIDED also, and be it further enacted, that nothing in this Act contained shall extend to enable the said commissioner or commissioners to determine any right between any parties contrary to the possession of any such parties, except in cases of encroachments made within the period of twenty years next preceding the passing of this Act; but in case the said commissioner or commissioners shall be of opinion against the right of the person or persons so in possession, they shall forbear to make any determination thereupon until the possession shall have been given up by or taken from such person or persons by ejectment or other due course of law.

Encroachments  
made within  
20 years to be  
deemed part of  
the land to be  
allotted.

XX. AND be it further enacted, that all encroachments or intakes which, at any time within twenty years next preceding the date of the agreement for any such inclosure, have been made upon the said lands and fields hereby authorized to be divided and inclosed, shall be deemed and considered part and parcel of the lands and fields to be allotted and inclosed by virtue of this Act as if the same were actually lying open and uninclosed, and shall be divided and allotted accordingly; and in case any dispute or difference shall arise touching any such encroachments or intakes, or as to the extent thereof, such dispute or difference shall be determined by the said commissioner or commissioners.

Lands used for  
charitable pur-  
poses not to be  
deemed an en-  
croachment.

XXI. PROVIDED also, and be it further enacted, that in case any such lands shall have been taken or used at any time before the passing of this Act for the erection of a school-house or school-houses, or the appurtenances thereto, or for other charitable purposes, such lands so taken, or the erections made

thereon, shall not be taken or deemed to be of the nature of an encroachment within the meaning of this Act.

XXII. PROVIDED always nevertheless, and be it further enacted, that all lands which shall have been inclosed from the open fields, or any of them, for more than twenty years next preceding the date of the agreement for such inclosure, shall for the purposes of this Act be deemed and taken to be ancient inclosures.

Lands inclosed more than 20 years to be deemed ancient inclosures.

XXIII. PROVIDED always, and be it enacted, that it shall not be lawful for the said commissioner or commissioners or umpire to allot to any other person than the proprietor thereof any land which may be cultivated as orchard or garden, or on which any building may have been erected, or which may have been inclosed by virtue of any voluntary agreement between the proprietor thereof and the persons having right of common over the same, without the consent in writing of such actual proprietor.

Cultivated ground to be allotted to proprietors only, &c.

XXIV. AND be it further enacted, that the said commissioner or commissioners shall, by some writing or writings under their hands, ascertain, order, and appoint what recompence and satisfaction in money shall be made to the owner or owners of any crops growing at the time of the said intended division and allotment, for the said crops, by the person or persons to whom the lands on which such crops are growing shall be allotted, and also what recompence and satisfaction in money shall be paid, and by whom, to any tenant or tenants, occupier or occupiers of lands to be inclosed as aforesaid, as well for the ploughing, tilling, and manuring of any lands or fields which shall be allotted to some other person or persons, and for the profit or advantage which any such person or persons to whom the said lands and fields shall be allotted will obtain thereby, as for any loss or disadvantage which any such tenant or tenants, occupier or occupiers, shall or may sustain by the loss of any following or way-going crop in any of the open and common lands or fields by this Act authorized to be divided, allotted, and inclosed, or by means of the said division, allotment, and inclosure; and if in any or either of the said cases last mentioned such recompence and satisfaction shall not be made at the time and in the manner to be appointed by the said commissioner or commissioners, then the said commissioner or commissioners shall and may, by any warrant or warrants under his or their hands and seals, directed to any person or persons whomsoever, (which warrant or warrants he or they are hereby authorized and empowered to grant accordingly,) cause the same to be levied by distress and sale of the goods and chattels of the person or persons required to make such recompence and satisfaction as aforesaid, together with the costs and charges of such distress and sale, rendering the overplus, if any, to the owner or owners of such goods and chattels.

Compensation to be made for standing crops, &c.

XXV. AND be it further enacted, that the said commissioner or commissioners shall, as soon after his or their appointment as conveniently may be, by some writing or writings under his or their hands to be affixed on the principal outer doors of the several and respective churches or chapels of the parishes or townships in which the lands to be inclosed are situate, or if there be no church or chapel, then in some conspicuous place in the parish, township, or place where such lands shall be, order and direct the course of husbandry that shall be used in, over, and upon the open arable, meadow, or pasture lands or fields to be divided, allotted, and inclosed by virtue of this Act, until

Commissioners to direct the course of husbandry to be followed, &c. before division and allotment.



the time when he or they shall have made and completed the intended division and allotment thereof, as well with respect to breaking up and laying down, as the ploughing, sowing, fallowing, and tilling the same lands and fields; and by the same or any other writing or writings under his or their hands, to be affixed as aforesaid, shall and may make such orders and regulations touching the conduct of the owners and occupiers of the same lands and fields, for the preventing the committing of waste or destruction by any person or persons whomsoever upon any of the lands and fields to be divided and allotted by virtue of this Act, in the meantime and until the allotments and divisions thereof shall be effected, as to the said commissioner or commissioners shall seem expedient; all which orders and regulations of the said commissioners shall be binding and conclusive upon all parties interested therein, their farmers and tenants; and that the said commissioners shall set and impose such pecuniary penalties and forfeitures upon every person not conforming to such orders and regulations as they shall think necessary, not exceeding five pounds per acre; all which penalties and forfeitures shall be paid to such person or persons, and for such uses and purposes, as the said commissioner or commissioners shall, by any such writing or writings as aforesaid, or any other writing or writings, direct or appoint; and the said commissioner or commissioners are hereby authorized and required to raise and levy the same, for the use of the person or persons he or they may consider entitled thereto, by such ways and means as the costs, charges, and expences of carrying this Act and the said recited Act of the forty-first year of the reign of his late Majesty King George the Third into execution may be raised and levied.

Commissioners  
to allot the  
lands to be  
inclosed.

XXVI. AND be it further enacted, that the said commissioner or commissioners shall apportion, divide, set out, and allot the said open or common arable, meadow, and pasture lands or fields authorized by this Act to be divided, allotted, and inclosed, unto and amongst the several proprietors thereof and persons interested therein, in proportion to their respective shares, rights of common, and all other rights, property, and interest, and in proportion to the true and real value of their several shares, rights of common, and all other rights, property, and interests, and the same, when so apportioned, divided, set out, and allotted, shall be taken to be in lieu and full satisfaction of and for such their said several shares, rights of common, and all other rights, property, and interests, to be ascertained and adjusted by such ways and means and in such manner as to the said commissioners shall seem just and expedient, but subject to the rules, orders, and regulations herein contained or referred to and authorized to be established concerning the same.

At the desire  
of the parties  
several allot-  
ments may be  
set out together,  
distinguished  
by metes and  
bounds, but not  
fenced from  
each other.

XXVII. AND be it further enacted, that in case any number of the proprietors or persons interested in the lands and fields agreed to be inclosed under the authority of this Act shall deem it expedient and desire to have their allotments thrown together and distinguished by metes and bounds, but not fenced from each other, and of such their desire shall give notice in writing to the said commissioner or commissioners, such commissioner or commissioners shall and he and they is and are hereby required to set out the several allotments of the said persons so giving notice as aforesaid in one plot or parcel of land, distinguishing the portion of such plot or parcel of land allotted to each of such proprietors by metes and bounds, but not requiring

them to make any subdivision fences or other fences, save such ring or outer fences as may be necessary and may be ordered by the said commissioner or commissioners to be made for dividing the said plot or parcel of land from the residue of the lands so to be inclosed.

XXVIII. AND be it further enacted, that for the purposes of shortening or rendering straight or otherwise improving any boundary fence or fences between the lands and fields hereby authorized to be divided, allotted, and inclosed, and the old or other lands thereunto adjoining, or between such allotments and inclosed or other lands, or any of them, and any adjoining lands and grounds, it shall be lawful for the said commissioner or commissioners (with the consent of the lord of any manor in which the lands are respectively situate, and of the owners of any such adjoining lands, testified by writing under their respective hands, or under the common seal of any of them being a corporation aggregate,) to set out, ascertain, and determine the boundaries between the lands hereby authorized to be divided, allotted, and inclosed, and any adjoining lands or grounds lying in the same or in any adjoining manor, parish, or place, as the said commissioner or commissioners shall judge proper for the purposes aforesaid; and after such boundaries shall be so set out, ascertained, and determined as aforesaid, the same shall be made, fenced, ditched, or mounded by such person, in such manner, and at such times, as the said commissioner or commissioners shall direct, and shall for ever thereafter be deemed the boundaries between the said allotted and inclosed lands respectively, or (as the case may be) between the said allotments or inclosed or other lands and such adjoining manor, parish, or place; any law, usage, or custom to the contrary notwithstanding.

Commissioners  
may ascertain  
boundaries.

XXIX. AND be it further enacted, that the said commissioner or commissioners shall in and by his or their award order and appoint the grass and herbage growing and renewing upon all and every the private roads to be set out by him or them within the said lands and fields hereby authorized to be divided, allotted, and inclosed, to be and for ever hereafter remain to and for the use and benefit of such persons as the said commissioner or commissioners shall in his or their judgment think best entitled to the same.

Right of  
herbage on  
private roads  
to be set out.

XXX. AND whereas the allotments made to any rector or vicar who may be entitled to any glebe lands in such open and common arable, meadow, or pasture lands or fields, or some of such allotments, may probably require some additional buildings, by reason whereof, and in order to render the same of greater value to the said rectors and vicars respectively, and their respective successors, it may be necessary that some buildings should be erected thereon, and some necessary division as well as interior or subdivision fences may be necessary to be made, planted, and raised in and upon the said allotments or some of them: And whereas the erecting of such further buildings, and the making, planting, and raising such fences, will be attended with considerable expence, and as the same will probably be more beneficial to the successors of such rectors and vicars respectively than to the rector and vicar in whose incumbency such allotment and inclosure may take place: Be it therefore further enacted, that it shall and may be lawful to and for the said rectors and vicars respectively, and their respective successors, by and with the consent in writing of the respective patrons of the said rectories and vicarages, and of the ordinary of the diocese for the time being, to erect or cause to be

Rectors, &c.  
may erect  
buildings, &c.  
on lands  
allotted in right  
of glebe, and

charge ex-  
pences thereon.

erected for agricultural purposes such further buildings upon the allotment or allotments (which buildings the said rectors and vicars respectively, and their respective successors, are hereby required to cause to be insured equal to the value thereof annually in some of the offices in London established for insurance against fire) so as aforesaid to be set out unto the said rectors and vicars and their respective successors as aforesaid, and also to make, plant, and raise such outer division as well as interior or subdivision fences in and upon the said allotment or allotments as the said commissioner or commissioners shall judge necessary and proper for the occupation of the lands so to be allotted to the said rectors and vicars respectively, and their respective successors, and by any deed or deeds, writing or writings, under the respective hand and seal of such rectors or vicars respectively, and their respective successors, and attested by two or more credible witnesses, by and with the consent in writing of the bishop of the diocese for the time being, to charge such allotment or allotments so as aforesaid to be set out for the said rectors and vicars respectively, and their respective successors as aforesaid, and the buildings so to be erected thereon, with such sum or sums of money, not exceeding in the whole two years annual value of the respective allotments so to be set out to the said rectors and vicars respectively, as the said commissioners shall think necessary for the purposes of and in order to be applied to paying and defraying the charges and expences of erecting the said further buildings, and of making, planting, or raising such division or subdivision fences, or for either of the said purposes, and in applying for and obtaining the consent of the said bishop, and in exercise of the powers given to and vested in the said rectors and vicars respectively by virtue of this Act and the said recited Act; which sum or sums of money shall be paid to such person or persons as the said commissioners shall nominate and appoint, in order to be applied or disposed of accordingly; and for securing the repayment of such sum or sums of money, with interest for the same, to grant, mortgage, lease, or demise the allotments so as aforesaid to be set out unto and for the said rectors and vicars respectively, and their respective successors, as aforesaid, and the buildings so to be erected thereon, unto such person or persons who shall advance and lend the same, his, her, and their executors, administrators, or assigns, for any term or number of years, so that every such grant, mortgage, lease, or demise be made with a proviso to cease and be void, or with an express trust to be surrendered, when the sum or sums of money thereby to be secured, with the interest thereof, shall be respectively fully paid and satisfied; and such mortgagee or mortgagees advancing and lending the money so to be borrowed shall not be obliged to see to the application or be in anywise answerable for the misapplication of such monies or any part thereof; and the said rectors and vicars respectively, and their respective successors for the time being, shall be and are hereby required and made liable, at the end of every year after the date of such mortgage, to pay to the person or persons to whom such grant, mortgage, lease, or demise shall be made, his, her, or their executors, administrators, or assigns, one thirtieth part of the respective principal monies so to be borrowed, until the whole thereof shall by such annual payments be paid off and discharged, and also to pay and keep down the interest of the said respective monies so to be borrowed, so that the future rectors and vicars of the said respective parishes

or townships becoming possessed of such respective lands and fields shall not be subject or liable (and they are hereby respectively discharged from being subject or liable) to pay any further or larger share of such monies than his or their proportion thereof according to such last-mentioned condition, or any interest for the same save only from the day of the death, resignation, or cession of the preceding incumbent of the said rectories or vicarages respectively; and that it shall and may be lawful to and for the person or persons who shall advance and lend such monies, his, her, or their heirs, executors, administrators, and assigns, for the more easily recovering the said one thirtieth part of the said principal and the whole of the interest which is enacted annually to be paid, to have, use, exercise, and take such and the same powers and remedies, by entry and distress upon the premises so to be charged, mortgaged, and demised, and sale of such distress, as by the laws now in force are provided for and given to landlords or as they can use and take for the recovery of rack rents in arrear.

XXXI. AND be it further enacted, that it shall and may be lawful for the rectors of the said rectories and the vicars of the said vicarages respectively for the time being, by indentures under their respective hands and seals, with the consent and approbation of the bishop of the diocese for the time being, and of the patron of the said rectories and vicarages, from time to time to lease and demise all or any part of the allotments to be set out and allotted to them respectively by virtue of this Act, to any person or persons whomsoever, for any term not exceeding twenty-one years; so that the rent or rents for the same shall be thereby reserved to such rectors and vicars for the time being by four equal quarterly payments in every year; and so that there be thereby reserved to such rectors and vicars the best and most improved rent or rents that can be reasonably gotten for the same, without taking any fine, foregift, premium, sum of money, or other consideration for granting any such lease; and so that no such lessee by any such lease or demise be made punishable for waste by any express words to be therein contained; and so that there be inserted in every such lease power of re-entry on nonpayment of rent or rents to be thereby reserved within a reasonable time, to be therein limited, after the same shall become due; and so that a counterpart of such lease be duly executed by the lessee or lessees to whom such lease shall be made as aforesaid; and every such lease shall be valid and effectual, any law or usage to the contrary notwithstanding.

Rectors, &c.  
with consent of  
bishop, &c.  
may demise the  
allotments.

XXXII. PROVIDED always, and be it further enacted, that in case, through the necessity of situation or any other accident or circumstance, it shall happen that one or more of the said proprietors shall not have an equal or proportionable quantity of boundary mounds or fences allotted to him, her, or them on the said intended inclosure, it shall be lawful for the said commissioner or commissioners, when he or they shall judge it necessary and reasonable, to award, order, ascertain, and appoint what sum or sums of money such proprietor or proprietors shall respectively pay and contribute towards making the mounds and fences of the allotments of such other proprietor or proprietors who shall or may have too great a proportion of mounding or fencing allotted to him, her, or them by virtue of this Act, the same to be settled by the said commissioner or commissioners in such manner as he or they shall order, direct, or appoint; and the money so ordered,

Commissioners  
in certain cases  
to apportion  
expences of  
erecting bound-  
ary fences.

directed, or appointed to be paid shall be raised, levied, and recovered in such and the same manner as the other expences of this Act are herein or by the said recited Act ordered and directed to be levied and recovered.

Act not to  
affect settle-  
ments, &c.

XXXIII. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, alter, or annul any settlement, deed, will, or lease, or to prejudice any person having any right or claim of dower, jointure, annuity, rent-charge, debt, or incumbrance whatsoever in, out of, upon, or affecting any of the lands, tenements, or hereditaments hereby authorized to be divided and allotted, or which shall be exchanged or assigned in compensation for any other estate or right in pursuance of this Act; but as well the lands allotted, as the tenements or other hereditaments which shall be assigned in exchange or as a compensation for any other estate or right, shall, immediately after such allotment, exchange, or assignment shall be made, be vested, remain, and enure, and the several persons to whom the same shall be allotted, assigned, or given in exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same uses, estates, intents, trusts, and purposes respectively, and subject and liable to such and the same deeds, wills, settlements, limitations, and remainders, conditions, charges, tenures, rents, services, and incumbrances, as the several lands, tenements, and hereditaments, in respect whereof such allotments, assignments, and exchanges shall have been made, should or would have stood severally limited, settled, or subject or liable to, or been held by, in case the same had not been allotted, assigned, or exchanged, and this Act had not been made or acted upon; save and except such rents and services as shall have been compensated for and extinguished, and such leases and tenancies at rack rents as shall become void, by virtue of this Act, and subject nevertheless to all such mortgages and sales as shall be made by authority of this Act or of the said Act of the forty-first year of the reign of his late Majesty King George the Third.

Leases at rack  
rent may be  
directed to  
cease, &c.

XXXIV. PROVIDED also, and be it further enacted, that all leases, agreements, and tenancies at rack rent subsisting of any part or parts of the lands and grounds hereby authorized to be divided, allotted, and inclosed at the time of the first appointment of any commissioner or commissioners for the inclosure thereof, or which shall be exchanged in pursuance of this Act, shall, so far only as respects the lands hereby authorized to be divided and allotted or exchanged, cease and be void at such time or times as the said commissioner or commissioners shall by writing under his or their hands direct or appoint, so as the respective lessors or landlords of such lands or tenements do, before or at the respective times at which such leases or tenancies shall be directed to cease, make and pay such satisfaction to the respective lessees or tenants for the loss which shall be sustained by the determination of such leases respectively, so far as regards the said lands the tenancy and leases whereof are hereby authorized to be determined, as shall be mutually settled and agreed between them, or as the said commissioner or commissioners, being required by either of the parties, shall ascertain and direct; and the said commissioner or commissioners, being so required, are hereby empowered and directed to apportion a reasonable and proportionable part, according to the season of the year, of the rent reserved on any such lease or agreement,

for or in respect of the time which shall have elapsed between the last day on which any payment of the rent shall have become due and the determination of any such lease or agreement; and such part of the rent shall be recoverable by such ways and means as may by law be used for the recovery of rent in arrear; and the said commissioners are hereby empowered and directed in every case where such lands or other hereditaments shall be held by virtue of such lease or agreement, together with other lands or hereditaments, by one entire rent, to apportion and determine what part of such rent shall be deducted in respect of such of the lands or other hereditaments in such lease or agreement comprised as to which the same shall be determined as aforesaid, and from what time such deduction shall take place; and the rest of the rent reserved on any such lease or agreement shall, during the remainder of the term thereof, be the rent of and for the residue of such lands and hereditaments, and shall be payable and recoverable in like manner as the entire rent reserved by such lease or agreement shall immediately before such apportionment be payable and recoverable.

XXXV. AND be it further enacted, that it shall be lawful for the said commissioner or commissioners to set out, allot, and award any lands, tenements, or hereditaments whatsoever, whether situate within the boundary of such open and common lands or fields as aforesaid, or adjoining thereto, within the parishes, townships, or places in which the lands to be allotted and inclosed are situated, or any of them, in lieu of and in exchange for any other lands, tenements, or hereditaments within the same parishes, townships, or places respectively, or any of them, or within any parish, township, or place adjoining to the said parishes, townships, or places respectively, or any of them; provided that all such exchanges shall be ascertained, specified, and declared in the award of the said commissioner or commissioners, and be made with the consent in writing of the proprietor or proprietors of the hereditaments and premises which shall be so exchanged, whether such proprietor or proprietors shall be a body or bodies politic, corporate, or collegiate, corporation aggregate or sole, rector, parson, vicar, or other ecclesiastical person or persons, or a tenant or tenants in fee simple, or for life, or in fee tail, special or general, or by the courtesy of England, or for years determinable on any life or lives, by and with the consent of the lessor or lessors, but not otherwise, or with the consent of the guardians, husbands, committees, or attornies of or acting for any such proprietor or proprietors who at the time of making such exchange or exchanges shall be respectively infants, femes coverts, idiots, lunatics, or under any other legal disability, or who shall be beyond the seas, or otherwise disabled to act for themselves, himself, or herself, or of the trustees or feoffees for charitable, parochial, or other uses, or of the person or persons having power to sell and dispose of the hereditaments and premises which shall be so exchanged (such consent to be testified in writing under the common seal of the body politic, corporate, or collegiate, and under the hands of the other consenting parties respectively); and all and every such exchange and exchanges so to be made respectively shall be good, valid, and effectual in the law to all intents and purposes whatsoever: Provided nevertheless, that no exchange shall be made of any lands, tenements, and hereditaments held in right of any church, chapel, or other ecclesiastical benefice, without the consent,

Exchanges may be made by commissioners of lands within the boundary of the common lands or adjoining thereto, &c.

testified as aforesaid, of the patron thereof, and of the bishop of the diocese in which such benefice shall be situate.

Allotments, &c. to be under the same tenure as the lands in respect of which they are allotted, &c.

Commissioners may allot tithes.

Mode of defraying expence of exchanges, &c.

Ditches, &c. may be cleaned, altered, or widened, &c.

XXXVI. PROVIDED always, and be it further enacted, that the lands, grounds, and hereditaments, which shall be allotted or exchanged by virtue of this Act, shall be held in like manner, under and by virtue of the same terms and rents, and shall be thereafter deemed to be of the same quality and tenure, as the lands, tenements, or hereditaments, in respect of which such allotment or allotments or exchanges shall be made, were held or deemed to be of immediately before the making of every such allotment or exchange respectively : Provided always, that when the tithes of any common lands or fields agreed to be allotted or inclosed under the provisions of this Act belong to different persons or do not extend over the whole of such common lands or fields, it shall be lawful for the commissioners or commissioner to allot the tithes as well as the land, in order that all persons may have tithe-free allotments in lieu of lands which were before exempted from tithes.

XXXVII. PROVIDED also, and be it further enacted, that all costs, charges, and expences attending the making any exchanges and partitions shall be paid and borne by the several persons making such exchanges and partitions in such manner and in such proportions as the said commissioner or commissioners shall by any writing under his or their hands order and direct.

XXXVIII. AND be it further enacted, that the said commissioner or commissioners shall and may scour out, widen, and alter all such ancient ditches, drains, watercourses, tunnels, gates, and bridges in the respective open common arable, meadow, or pasture lands or fields (or any one of them) hereby authorized to be allotted and inclosed, and also shall and may set out, widen, and make any new ditches, drains, watercourses, tunnels, gates, and bridges, in, through, and over the lands and grounds hereby authorized to be divided, allotted, and inclosed, (the expences thereof to be raised and defrayed as the other expences of executing the powers of this Act are herein directed to be raised and defrayed,) and of such breadth, depth, and dimensions, and in such directions, as the said commissioners shall think proper ; and, the said commissioner or commissioners shall and may and they are hereby directed and required in and by their awards to order and determine by whom, and at whose expence, and at what time and in what manner, the said ditches, drains, watercourses, tunnels, gates, and bridges shall be afterwards cleansed, scoured, and maintained, and also shall and may direct, order, and award all or any of the streams, springs, and watercourses within the said lands and fields hereby authorized to be divided, allotted, and inclosed, to be carried, diverted, and turned into such courses, and through, over, and across such parts of the lands and fields hereby authorized to be divided, allotted, and inclosed, as they the said commissioners shall in their discretion judge proper for the draining or watering the several allotments so to be made as aforesaid.

Drains may be made and maintained through land not proposed to be inclosed, due compensation being made for damage done.

XXXIX. PROVIDED always, and be it enacted, that if it shall be necessary, for the purpose of carrying off the water from such drains as may be made under the authority of this Act, to make drains through any land not to be inclosed, divided, or allotted under the same, it shall be lawful for the said commissioners and their servants to enter upon such lands, and make such drains accordingly, due compensation being made for any damage done to

such lands thereby ; and it shall be lawful for such commissioners in their award to direct by which of the persons to whom any allotment shall be made in any field so divided and inclosed such drains shall be maintained, and the persons so directed to maintain such drains shall maintain the same accordingly, and have the same authority to enter upon such lands as herein-before described, for the purpose of maintaining the same, as is herein-before given to the said commissioners and their servants for the making of the same, making due compensation for any damage which may be done to such lands.

**XL.** AND be it enacted, that in case seven eighths in number and value of the persons being seised, possessed of, entitled to, or interested in any open and common arable fields, or open and common meadow or pasture lands or fields, in England or Wales, and any rights of common or any other rights therein, being persons having such estates or interests in the said lands, fields, or rights as are herein-before required for the purpose of consenting to any such proposed inclosure as aforesaid, shall, by themselves or their known agents, or if covert, infants, idiots, or lunatic, then by their husbands, guardians, or committees, at a public meeting to be called for that purpose in the manner and after the notice herein-before provided for, or at some adjournment thereof, enter into an agreement for such inclosure under the provisions of this Act, but without the intervention of commissioners, and for the discharge of the lands to be inclosed from all rights of common, and for the granting of compensation to such persons as may be possessed of such rights, whether consenting parties to any such agreement or not, and shall sign or seal (as the case may require) the schedule herein-after mentioned, every such inclosure shall, from and immediately after the expiration of the notices of such schedule having been deposited as herein-after mentioned, be as valid and effectual to all intents and purposes (subject only to the right of appeal herein-after given) as if the same had been effected by means of commissioners to be appointed under this Act.

Upon the consent of seven eighths in number and value of the persons interested, an inclosure may take place without the intervention of commissioners.

**XLI.** AND be it further enacted, that before any land shall be inclosed under the provisions herein contained for inclosure without the assistance of commissioners, a schedule of such land, containing a correct description thereof, and signed by the persons proposing to make such inclosure, and also by the persons whose consent to such inclosure is herein-before required to be given, and whenever the inclosure shall be proposed to be made by any person having a less estate than a fee simple or under disability, then accompanied by a copy of the several limitations contained in the deed or will under which such person may be entitled, shall be deposited with the clerk of the parish, township, or chapelry, and also with the clerk of the peace of the county in which the land proposed to be inclosed may be situated ; and a notice of such schedule having been so deposited (such notice containing a description of the land intended to be inclosed) shall be published in some newspaper usually circulating in the county wherein such land is situated, at three several times in three successive months after such schedule shall have been so deposited ; and a copy thereof shall be affixed on the principal outer door of the church or chapel of the parish or township in which the land may be situated, before the commencement of divine service, or if there be no church or chapel then in some conspicuous place there, for three successive Sundays after such schedule shall have been so deposited: Provided always, that whenever such

Schedule of land proposed to be inclosed to be deposited with the clerk of the parish and the clerk of the peace; and a notice thereof affixed on the church door, and published in some newspaper circulating in the county.



inclosure shall be proposed to be made by a corporation aggregate or the consent of a corporation aggregate shall be necessary thereto, the affixing of the common seal of such corporation to such schedule shall be deemed a sufficient compliance with the provisions of this Act.

Absolute and limited owners, &c. may enter into agreements for compensation.

XLII. AND be it further enacted, that it shall be lawful for any person who shall be seised or possessed of or entitled in possession to any land or tenement in respect of which compensation may be proposed or ought to be given, or to which any right of common may attach, or who, having no land in the common field in which an inclosure is proposed to be made, may nevertheless have a right of common therein, whether such person shall be tenant in fee simple, or fee tail, general or special, or for life or lives, or by the courtesy of England, or for any other estate of freehold, or for years determinable on any life or lives, and also for any person whose right of common may be merely personal, and for the guardian, trustee, feoffee for charitable or other uses, husband, or committee of such person who shall be an infant, idiot, lunatic, or feme covert, or under any other disability, to consent and agree to the compensation which may be offered or which ought to be given by the persons making such inclosure, not only as to the nature and amount of such compensation, but as to the manner in which the same shall be secured, and to sign the agreement for that purpose; but no such agreement shall be valid if entered into by any person having a limited interest only, or by any incumbent of a benefice, without the consent of the same persons and to be testified in the same manner as is herein-before required in the case of such persons being respectively parties to any agreement for inclosure: Provided always, that in case such compensation or any part thereof shall be agreed to be paid in money, and such money shall belong to any persons who in the said first-recited Act are mentioned or described as persons incapacitated to receive the same, then such money shall be paid and applied in such and the same manner as money belonging to such persons is directed to be applied under the provisions of the said first-recited Act.

Persons having objections to such inclosure to deposit them with the clerk of the peace, within six months.

XLIII. AND be it further enacted, that whenever any agreement for compensation may or may not have been entered into, and notwithstanding any such agreement, if any person interested in any such inclosure, other than a person who may have signed such agreement or otherwise consented thereto, shall object to such inclosure, or to the nature or amount of any compensation which may be offered, or to the manner in which such compensation may be proposed to be secured, or on account of there not having been any compensation offered, it shall be lawful for him to state such objection in writing, and to deposit the same with the clerk of the peace at any time within six calendar months from the expiration of the aforesaid notices of the deposit of such schedule; and such schedule and copy of limitations, and every statement and document annexed to such schedule, and every statement of objection which may be so deposited, shall be open to the inspection of any person interested; and the deposit of such statement of objections in manner aforesaid shall be deemed and taken to be a sufficient notice to all persons interested in such inclosure.

Schedule, &c. to be open to inspection.

Clerk of the peace to lay the schedule, &c. before the

XLIV. AND be it further enacted, that the clerk of the peace shall cause the schedule and statement of objections, and all other papers relating thereto, and which shall have been so deposited with him, to be laid before the justices

at the general quarter sessions of the peace, or at some adjourned meeting thereof, which shall be held not earlier than twenty-eight days next after the deposit of such objections, in and for the county, riding, or division wherein the lands proposed to be inclosed, or the greater part thereof, shall be situate; and all such objections shall be heard and determined by the said justices in manner herein-after provided.

justices at quarter sessions, who shall hear and determine upon such objections.

XLV. AND be it further enacted, that it shall and may be lawful for any person or persons interested in the said allotments at any time to mortgage, sell, demise, or dispose of all such estate, right, title, interest, and property, which he, she, or they shall then have in or to the said open and common arable, meadow, or pasture lands or fields (or any one of them), and of the allotments set out in lieu thereof, before the execution of the award of the said commissioner or commissioners; and it shall be lawful for the said commissioner or commissioners, and he or they are hereby authorized and required, upon the conveyance or other instrument by which such sale or disposition is confirmed being produced to them, and the execution thereof proved to their satisfaction, to allot the same to the purchaser or purchasers thereof respectively; and if not so allotted, such conveyance or other instrument shall be valid and effectual in law, notwithstanding it may have been so made before the execution of the said award.

Persons interested in allotments may sell the same before the award; and commissioners may allot them to the purchasers.

XLVI. AND be it further enacted, that it shall be lawful for the said commissioner or commissioners, in case he or they shall be requested by writing under the hand or hands of any person or persons being tenant for life, or other person being in possession of, but not having the absolute estate or interest in, any lands hereby authorized to be allotted and inclosed, to sell and dispose of any part or parts of the allotment or allotments belonging to such person or persons, for the purpose of defraying his, her, or their shares of the costs, charges, and expences of putting into execution this Act and the said recited Act of the forty-first year of the reign of his late Majesty King George the Third, and the expences of fencing, ditching, subdividing, and inclosing such allotment or allotments; and the said commissioners shall accordingly sell such part or parts of such allotment or allotments, either by private contract or public auction, as they shall think proper, to such person or persons as shall be willing to purchase the same, and shall convey the same to such purchaser or purchasers by any deed under their hands and seals; and the receipt of the said commissioners for such money shall be a full and complete discharge to such purchaser or purchasers for such purchase money; and the said commissioners shall apply the purchase money in or towards the payment of such expences, and in fencing, ditching, subdividing, and inclosing the said allotment or allotments respectively, and not otherwise; but such purchaser or purchasers shall not be liable to see to the necessity or expediency of such sale, nor be answerable nor accountable for the misapplication of such purchase money; and upon the payment of such purchase money or purchase monies into the hands of the said commissioner or commissioners, the lands so to be sold as last aforesaid shall immediately thereupon be vested in fee simple in possession (if such allotment or allotments is or are made in right of freehold) in the purchaser or purchasers thereof, and the same shall be thenceforth held in severalty by such purchaser

Commissioners, on request of tenants for life, &c., may sell allotments to defray expences.

or purchasers thereof respectively, as his, her, or their private property, and shall be allotted accordingly by the said commissioner or commissioners.

When allotments to a tenant for life, &c. are in different parishes, commissioners may sell the land in one parish to defray expenses in respect of land in another parish.

**XLVII.** PROVIDED always, and be it further enacted, that, where any allotment or allotments so to be made to any person or persons being tenant for life or in tail, or other person being in possession, but not having the absolute estate or interest in any lands hereby authorized to be allotted and inclosed, which stand limited to the same uses, shall be situated partly in one and partly in another parish or township or place, it shall and may be lawful to and for the said commissioner or commissioners, in case they shall be requested as last herein-before mentioned, to sell and dispose of, and to convey and assure to the purchaser or purchasers thereof, any part or parts of the said allotments belonging to such person or persons in any one or more of the said parishes, townships, or places, in manner in that behalf herein-before mentioned, as well for the purpose of defraying his, her, or their share or shares of the costs, charges, and expences of putting into execution this Act and the said recited Act, and the expences of fencing, ditching, subdividing, and draining such allotment or allotments in respect of such of the said lands as are situated within the same parish wherein the said allotment or allotments so sold may be situated, as for and in respect of such of the said lands or other hereditaments or allotments as may be situated in any other township or place: Provided always, that it shall not be lawful to raise by such sale any further or greater sum of money than the person or persons part of whose allotment or allotments may be sold or disposed of would have been empowered and authorized to borrow or charge upon his, her, or their allotment or allotments under or by virtue of the said recited Act or this Act, reckoning five pounds for each and every acre of such allotment or allotments.

Where a sale is made, proprietors, &c. shall not charge their lands with expences unless the sum to arise by the sale shall be less than 5*l.* per acre, &c.

**XLVIII.** PROVIDED always, and be it further enacted, that it shall not be lawful for the proprietor or person, from whose allotments lands shall be as aforesaid deducted, to charge his, her, or their lands or hereditaments, by virtue of the said recited Act or this Act, with any money towards payment of such expences, unless the money to arise by such sale shall be less than the sum of five pounds per acre; and then and in such case it shall be lawful for such person or persons to charge his, her, or their estate or estates with, or to raise by mortgage thereof, or other means or ways, as mentioned in the said recited Act or this Act, such further sum of money as may be necessary for the payment of the expences of executing this Act, and subdividing the said allotments, as, together with the value of the lands so deducted, shall not exceed the amount that might be borrowed and charged on the lands to be divided and allotted at the rate of five pounds for each and every acre.

Payment, &c. of expences of measuring, dividing, allotting, and in closing open and common lands, &c.

**XLIX.** AND be it further enacted, that the charges and expences of surveying, valuing, planning, measuring, dividing, and allotting the said open and common arable, meadow, or pasture lands or fields hereby authorized to be divided, allotted, and inclosed, and of fencing the lands of the persons from whom a deduction of land shall be made as herein-before directed, and also the expences of preparing and enrolling the awards of and the allowances and payments to be made to the said commissioner or commis-

sioners, umpire, and surveyors respectively, as herein-before directed, and all other charges and expences incident to or attending the carrying this Act into execution, shall be paid, borne, and defrayed by all the proprietors of the lands and hereditaments so authorized to be divided, allotted, and inclosed, or exchanged, in such proportions as the said commissioner or commissioners shall settle, adjust, and determine, to be paid at such time or times and to such person or persons as they the said commissioner or commissioners shall order and direct; notice thereof in writing under their hands being given thirty days before the time such payment shall be required: Provided always, that in case any number of persons, whose allotments shall not exceed two acres respectively, shall have required their allotments to be thrown together as aforesaid, such persons shall not be liable to pay, bear, or defray any part of the charges and expences as aforesaid: Provided also, that it shall be lawful for four fifths in number and value of the proprietors and persons interested as aforesaid, at any meeting to be held as herein-before is mentioned, to agree that any persons, whose allotments shall not exceed five acres respectively, shall not be liable to pay, bear, or defray any part of the charges and expences aforesaid; and such persons shall by virtue of such agreement be exempt from all liability thereto.

L. AND be it further enacted, that once at least in every year, to be computed from the first appointment of such respective commissioner or commissioners, the accounts of the said commissioners, commissioner, or umpire, containing a true statement of all and every sum and sums of money by them received and expended, or due to them for their trouble and expence in the execution of this Act and the said recited Act of the forty-first year of the reign of his late Majesty King George the Third, until such account shall be finally settled, shall, together with the vouchers relating to the same, be by them laid before three of his Majesty's justices of the peace for the county in which the lands to be inclosed, or the greater part of them, shall be situated, to be by them examined and balanced; and such balance shall be stated in the books of account to be kept in the office of the clerk of the said commissioners; and no charge or item in such account shall be binding on the parties concerned, or valid in law, unless the same shall be so allowed: Provided also, that it shall not be lawful for the commissioners to be appointed in pursuance of this Act, or any of them, to retain or pay to themselves or clerk, out of any monies to be received by them or over which they may have any control in the execution of any inclosure to be effected under this Act, any sum or sums of money on account of any allowance herein-before directed to be made to such commissioners and clerk respectively beyond one third of such allowance as they shall respectively be entitled to as aforesaid, until after the expiration of six calendar months from the day of the delivery of the award hereby directed to be made in the church of the parish in which the lands inclosed may be situate.

Commissioners  
to account.

LI. AND be it further enacted, that the said commissioner or commissioners shall make and execute awards, with maps or plans thereto annexed, and shall cause the same to be enrolled in manner as directed by the said recited Act; and such awards shall be deposited in the respective parish churches of the parishes wherein the lands so to be allotted and inclosed, or the greater part thereof, are situated.

Commissioners  
shall make  
awards, &c.

Provisions of  
recited Acts,  
where not  
altered or re-  
pealed, ex-  
tended to this  
Act.

LII. AND be it further enacted, that all and every the clauses, provisions, and enactments contained in the said Act of the forty-first year of the reign of King George the Third and of the first year of the reign of King George the Fourth, or such of them as are applicable to and consistent with the purposes and object of this Act, shall and may be in full force and effect for carrying into effect the allotments, division, inclosures, and exchanges hereby authorized to be made, as fully and effectually as if such clauses, provisions, and enactments had been herein repeated and re-enacted, and had been made part of this Act, with such alterations and variations as would adapt them and render them applicable to the object and purposes of this Act.

Appeal to  
quarter sessions  
where parties  
think them-  
selves ag-  
grieved.

LIII. AND be it further enacted, that it shall be lawful for all persons who shall think themselves aggrieved by any thing done by virtue of this Act or the said recited Act, (except in cases where the things so done are herein or by the said Act of the forty-first year of his late Majesty King George the Third declared to be final, binding, and conclusive,) to appeal to the general quarter sessions of the peace which shall be held in and for the county, riding, or division wherein the lands, or the greater part thereof, in respect of which the matter of complaint may arise, shall be situated, or any adjournment thereof, within six calendar months next after the cause of complaint shall have arisen, first giving or causing to be given twenty-eight days notice thereof in writing to the said commissioner or commissioners, or one of them, or to the parties intended to be appealed against; and the justices at their said quarter sessions, or any adjournment thereof, are hereby authorized and required to hear and determine the matter of every such appeal, and shall also hear and determine any appeal against the sum agreed to be paid to any commissioner or surveyor, or against the adoption of any plan, map, admeasurement, or valuation, or against any rules, conditions, and principles, which may have been agreed upon in manner aforesaid for the guidance of the commissioner or commissioners or umpire in making allotments, and shall also hear and determine all objections (if any) which may have been made in manner aforesaid to any inclosure without the assistance of commissioners, or to the nature or amount of the compensation which may have been offered, or to the manner in which the same may have been proposed to be secured, or on account of there not having been any compensation offered, and to make such order in every such case respectively, and to award such costs, as to them in their discretion shall seem meet, and by their warrant to levy the costs awarded by distress and sale of the goods and chattels of the parties respectively adjudged to pay the same, rendering the overplus (if any) to the respective owners of such goods and chattels, after deducting the reasonable charges of such distress and sale; and every determination of the said justices shall be final and conclusive on all parties concerned; and no such complaint, appeal, or proceeding shall be removed or removeable by certiorari or any other writ or proceeding whatsoever into any of his Majesty's courts of record at Westminster or elsewhere; but in case such appeal shall appear to the said justices to be frivolous, vexatious, or without foundation, then the said justices shall award such costs to be paid by the appellant or appellants as to them in their discretion shall seem reasonable, and to be levied in manner aforesaid.

Act not to  
authorize in-  
closure of

LIV. PROVIDED always, and be it further enacted, that nothing in this Act contained shall in any case authorize the inclosure of any waste whatsoever,

whether the soil thereof shall or shall not be vested in the lord of any manor, and whether with or without the assent of the lord of such manor; nor shall any thing in this Act contained prejudice, lessen, or defeat the right, title, or interest of the respective lords for the time being of any such manors in or to any of the royalties or seignories, fisheries, manorial and other rights, customs, and services, incident or belonging to the said respective manors or any of them; but that such respective lords, and all and every person and persons claiming in trust for him or them as such respective lords for the time being of the said several and respective manors, shall and may at all times for ever hereafter have, hold, receive, take, and enjoy all rents, services, courts, perquisites and profits of courts, fines, goods and chattels of felons and fugitives, felons of themselves and put in exigent, deodands, waifs, estrays, and forfeitures, privileges and jurisdictions, of their several and respective manors, to the respective lords thereof, or any person or persons claiming under him or them, incident, belonging, or appertaining, except in respect of any land or estate for which compensation is herein-before authorized to be made, in as full, ample, and beneficial manner to all intents and purposes, as the same might or ought to have been held and enjoyed in case this Act had not been passed.

waste, or affect  
rights of lords  
of manors.

LV. PROVIDED always, and be it further enacted, that nothing in this Act contained shall authorize the inclosure of any open or common arable fields, or of any open or common meadow or pasture lands or fields, situate and being within ten miles of the city of London, or of any open or common meadow or pasture lands or fields situate and being within one mile of any city or town of five thousand inhabitants, or within one mile and a half of any city or town of fifteen thousand inhabitants, or within two miles of any city or town of thirty thousand inhabitants, or within two miles and a half of any city or town of seventy thousand inhabitants, or within three miles of any city or town of one hundred thousand inhabitants; provided that in all cases the number of such inhabitants shall be ascertained by the then last parliamentary census thereof, and that such distance shall be measured in a direct line from the town hall if there shall be any town hall, or, if there shall be no such town hall, then from the cathedral or church, if there shall be only one church, or, if there shall be more churches than one, then from the principal market place of any such city or town.

Act not to  
authorize the  
inclosure of  
any open or  
common fields  
within certain  
distances of  
large towns.

LVI. AND be it further enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in the construction of this Act, except when the nature of the provision or the context of the Act exclude such construction, be interpreted as follows; (that is to say,) the words "proprietor," "owner," and "person" shall respectively extend as well to an individual as to a body politic, corporate, or collegiate, and to a corporation as well aggregate as sole, whether such corporation be eleemosynary or civil, ecclesiastical or lay; the word "benefice" shall extend to and be taken to comprehend rectories, vicarages, donatives, perpetual curacies, parochial and consolidated chapelries and churches, and chapels having a district assigned thereto; the word "tithes" shall extend to any rent-charge or payment in lieu of tithe; the word "land" shall extend to every species of land, whether arable, meadow, or pasture, and whether freehold, copyhold, or customary, or held by any other tenure, and

Meaning of  
certain words  
in this Act.

"Proprietor,"  
"owner,"  
"person."

"Benefice."

"Tithes."  
"Land."

"Parish."

Singular number to import plural.

Saving as to rights of his Majesty in respect of the duchy of Cornwall, or of the duke of Cornwall for the time being.

Saving as to rights of the crown and the duchy of Lancaster.

General saving.

as well to one piece or parcel as to any number of pieces or parcels of land; the word "parish" shall be construed to include any parish, township, liberty, precinct, vill, village, hamlet, tithing, chapelry, or any other place or division or district of a place, whether parochial or extra-parochial; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

LVII. PROVIDED further, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to affect, prejudice, or derogate from the estate, right, title, interests, privileges, or authority of the King's most excellent Majesty, his heirs and successors, in right or in respect of his duchy of Cornwall, or of the duke of Cornwall for the time being, or to authorize, sanction, or permit the inclosure of any lands, grounds, tenements, or hereditaments whatsoever, or give any right or title whatsoever to any encroachment or intake heretofore made thereupon, or otherwise affect any lands, grounds, tenements, or hereditaments whatsoever belonging to or held of or being within and forming part and parcel of any manor, messuage or tenement, open field, pasture, common, or other land or ground whatsoever, or any advowson, rectory, or vicarage, parcel of the possessions of the duchy of Cornwall, or wherein or whereunto, or over, upon, or with reference whereto, his Majesty, in respect of his said duchy of Cornwall, or the duke of Cornwall for the time being, may have or claim to have any estate, right, title, or interest whatsoever, nor at any time or times be admitted in any court of law or equity or otherwise considered as evidence upon any occasion to affect in any manner his Majesty, his heirs and successors, in right or in respect of his said duchy of Cornwall, or the duke of Cornwall for the time being.

LVIII. PROVIDED always, and be it further enacted, that nothing in this Act contained shall authorize the inclosure of any open lands in, to, or over which his Majesty, in right of his crown or of his duchy of Lancaster has or may have or claim to be entitled to any estate, right, title, or interest whatsoever.

LIX. SAVING always to the King's most excellent Majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, ecclesiastical and civil, his, her, or their respective heirs, successors, executors, and administrators, (other than and except the persons to whom any allotment or compensation shall be made by virtue of this Act, in respect of the interest or property for which such allotment or compensation shall be made to them in respect of such right, and except such other rights and interests as the intents and purposes hereby authorized shall absolutely require to be barred, destroyed, or extinguished by this Act, and all persons respectively claiming under them or in remainder after them,) all such estate, right, title, interest, claim, and demand, as they, every or any of them, had or enjoyed of, in, to, or out of the said open and common arable, meadow, or pasture lands or fields hereby authorized to be divided, allotted, and inclosed, before the passing of this Act, or the carrying the powers thereof into execution, or could or might have held or enjoyed, in case this Act had not been made, or the powers thereof had not been carried into execution.

## CHAPTER CXVI.

AN ACT to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.]\* [20th August 1836.]

**W**HEREAS the laws heretofore made and in force in Ireland for the purpose of regulating the fiscal powers of grand juries have become obscure and complicated from their multiplicity, and their provisions have been found in many respects insufficient, and it is expedient, with a view to secure the better execution of public works and facilitate the transaction of local business, that the said laws should be consolidated and amended, and that a uniform system of raising money by presentment of grand juries should be established, in all counties in Ireland, whether counties at large, counties of cities, or counties of towns: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act it shall not be lawful for any grand jury of any county, county of a city, or county of a town, except the county and city of Dublin, at any assizes to make any presentment (save and except in the cases herein-after specially reserved and excepted) for the execution of any public work whatsoever, or for raising any money, unless under the authority and by virtue of the provisions of this Act.

All presentments to be made under this Act, except in county and city of Dublin.

\* \* \* \* \*

III. AND be it enacted, that in the construction of this Act the word "lord lieutenant of Ireland" shall extend to and include any lords justices or other chief governor or governors of Ireland for the time being; and every half barony shall be considered and deemed a barony; and wherever the word "county" shall occur, the same shall be deemed and taken to include and import any county at large, or county of a city, or county of a town and city, or city or town and county; and wherever the word "assizes" shall occur in this Act, it shall be deemed and taken to include and import "presenting term"; and whenever in this Act any authority is given to, or any duty is directed to be performed by, any judge of assize, such authority shall be understood as given to, and such duty as directed to be performed by, the justices of the King's Bench in Dublin in any presenting term; and every word importing the singular number shall extend and be applied to several persons, animals, or things, as well as to one person, animal, or thing; and every word importing the masculine gender shall extend and be applied to a female as well as to a male; unless the contrary thereof shall be expressed, or that any such construction as aforesaid shall be inconsistent with or repugnant to the context.

Explanation of terms.

"Lord Lieutenant of Ireland."

Half barony.

"County."

"Assizes," &c.

Number and gender.

[\* This Act is rep., 13 & 14 Vict. c. 102. s. 60., as to so much as relates to the summary jurisdiction of justices as to any of the offences upon or relating to public roads therein-before mentioned. The Act 13 & 14 Vict. c. 102. is rep. by sect. 26. of 14 & 15 Vict. c. 92., which Act consolidates and amends the Acts by which justices of the peace are empowered to adjudicate in a summary way as to certain offences and other matters in Ireland; and this Act is rep., Stat. Law Rev. Act, 1874, as to so much as relates to the summary jurisdiction of justices as to any of the offences upon or relating to public roads in the Act 14 & 15 Vict. c. 92. mentioned.]



Justices to hold presentment sessions for the purposes of this Act at the places and times appointed by the grand jury.

IV. AND be it enacted, that from and after the commencement of this Act it shall and may be lawful to and for every justice of the peace in and for any county, county of a city, county of a town or city and county in Ireland, not being a stipendiary magistrate, to attend, and all such justices are hereby required to assemble, from time to time, and with the cess payers associated with them as herein-after appointed to hold a special or presentment sessions for the purposes of this Act, in such place and places and at such time and times, within any and every such county, as the grand jury of the same shall have appointed pursuant to the provisions herein-after following.

Grand juries at assizes shall fix places and times for presentment sessions;

V. AND be it enacted, that it shall be lawful for the several grand juries in every county in Ireland, and they are hereby required, at each assizes, to appoint, by presentment, certain places within their respective counties, (videlicet, one in each barony or half barony,) where, and certain times when, presentment sessions shall be successively holden previous to the next assizes for such counties respectively for the purposes of this Act, as herein-after set forth; and such presentment shall appoint the hours of the day between which such sessions shall be respectively holden; and such presentment shall appoint the last meeting of such sessions to be holden at the county court house; and it shall also be lawful for the grand jury at every such assizes to direct, by presentment, what number of copies of the schedules of applications to be made at each such sessions shall be printed and distributed by the secretary of the grand jury.

and may direct what number of copies of applications shall be printed and distributed. Only one such sessions in cities and towns.

VI. AND be it enacted, that the grand jury for each county of a city or county of a town shall appoint one such presentment sessions to be holden in the same for the purposes aforesaid; and all applications for works the expenses whereof are to be levied off such county of a city or town shall be made thereat.

Collectors to make returns of cess payers for grand jury.

VII. AND, for the purpose of enabling the grand jury to prepare such list of cess payers as herein-after mentioned, be it further enacted, that every high constable or other collector of money levied by grand jury presentment shall, on the day when the grand jury shall be first impannelled at each assizes, deliver to the secretary of the grand jury a return of the names and places of residence of the one hundred persons, being males of full age, if so many there be, and if not, then of the whole number of persons resident or in actual occupation of lands and tenements in each county of a town, county of a city, or barony, who, not being in holy orders nor any minister of religion, and not being justices of the peace, shall have been charged with and shall have paid for land actually occupied by them the highest sum or sums for grand jury rates or cess for and in respect of any lands in such county of a town, county of a city, or barony, under the last previous applotment; and that in such list he shall set forth the sum so paid by each such cess payer respectively, and shall classify them according to the amount paid by each; and that the secretary shall immediately lay such return before the grand jury.

Grand jury to fix the number of cess payers to be associated with the justices for the purposes of this Act, &c.

VIII. AND be it enacted, that every such grand jury as aforesaid shall at each assizes fix and determine the number of persons, not being more than twelve nor less than five, proper, with reference to the extent and circumstances of each county of a city, county of a town, or barony, to be associated with the justices at the presentment sessions to be holden therein for the purposes of this Act, and shall from the return aforesaid make out a list of

double the number so determined upon of persons, with their additions and abode, who being males of full age resident and in actual occupation of lands or tenements within such county of a city, county of a town, or barony respectively, shall according to the return aforesaid have paid the highest sum or sums for grand jury rates under the last previous applotment in each such county of a city, county of a town, or barony respectively; and the secretary of the grand jury shall deliver or cause to be delivered to each of the persons included in such list a copy thereof, and shall also deliver a copy thereof to the justices assembled at each presentment sessions to be held under the provisions of this Act: Provided always, that at every assizes after the passing of this Act, except the first assizes, the grand jury shall, before they shall make out such list, strike out of the return aforesaid the names of one half of the persons whose names appeared on the list made at the then preceding assizes, selecting in the first instance the names of the cess payers who were associated and acted with the justices at the presenting sessions.

IX. AND be it enacted, that at every meeting of such presentment sessions the majority of the justices then present shall choose one of their number to preside thereat, and that when only two justices shall be present the senior of them shall preside, and that when only one justice be present such justice shall preside; and such chairman shall have in addition to his vote a casting voice in case of an equality of voices; and immediately after the appointment of such chairman, and before entering upon any other business, the name of every person included in the list of cess payers made out by the grand jury in manner before appointed for each county of a city, county of a town, or barony in which such sessions shall be held, written upon separate pieces of parchment or card as nearly as may be of equal size, with his respective additions and abode, shall be put into a box, to be, as well as the said pieces of card or parchment, for that purpose provided by the secretary of the grand jury; and the chairman appointed to preside at each such sessions shall in open court draw out, one after another, such number of the said cards or pieces of parchment as the said grand jury may have fixed and determined to be the proper number of cess payers to be associated with the said justice or justices at each such sessions respectively; and if any of the men whose names shall be so drawn shall not appear, then such and so many more of such cards or pieces shall be drawn as may be necessary until the number of cess payers appointed as aforesaid to be associated with the said justice or justices shall be completed, or until the whole of such names shall be drawn; and such number of the said cess payers so first drawn and appearing, or such lesser number of them as shall appear when drawn, shall be associated with the said justice or justices, and have and exercise jointly with such justice or justices all power and authority in the business of such sessions: Provided always, that in the case of any county at large the cess payers associated in manner aforesaid with the justice or justices at the presentment sessions holden in the county court house shall, save and excepting the cess payer selected as herein-after mentioned, have no voice, power, or authority in respect of any applications the expense whereof it may be proposed to levy off the county at large, but only in respect of those applications the expense whereof it may be proposed to levy off the barony or half barony or portion thereof wherein such court house may be situate; and provided also, that in the case of any county

Justices at presentment sessions to choose a chairman, and select by lot the cess payers to be associated with them.

Powers of the cess payers so associated.

at large, such one of the associated cess payers as shall be for that purpose selected by the justices and associated cess payers at the presentment sessions holden in the county court house, and such one of the associated cess payers as shall be for that purpose selected by the justices and associated cess payers at each of the baronial presentment sessions to be holden in and for each barony or half barony in such county, shall be associated with the justices at the presentment sessions holden in the county court house, and have and exercise jointly with such justices all such power and authority as by this Act conferred upon the justices and cess payers at such sessions, in respect of so much of the business of such sessions as shall relate to the county at large: Provided always, that if none of the cess payers named in the list hereinbefore directed to be made out by the grand jury shall attend any presentment sessions to be held under this Act, it shall be lawful for such justice or justices alone to do all matters and things authorized by this Act to be done thereat by the justices and cess payers associated in the business thereof.

In case cess payers do not attend the justices may act alone.

Declarations of justices and cess payers.

X. AND be it enacted, that every justice shall previously to acting at any presentment sessions make and subscribe in open court the declaration marked (A.) in the schedule (Z.) to this Act annexed; and that every cess payer associated with such justice or justices in manner aforesaid shall previously to acting at any such sessions make and subscribe in open court the declaration marked (B.) in the schedule (Z.) to this Act annexed; which said declarations any one of such justices or the secretary of the grand jury is hereby authorized and required to administer; and the chairman at each such sessions shall and he is hereby required to make out and deliver to the secretary of the grand jury of the same county a list of the names of all the justices and cess payers who shall have made and subscribed such declarations respectively at the sessions where he had presided; and every such secretary shall from time to time, without unreasonable delay, deliver the said list and all the declarations so made and subscribed to the acting clerk of the peace, to be by him preserved among the records of the same county.

Promulgation of notices.

XI. AND be it enacted, that all notices required by this Act shall be promulgated by advertisements affixed on or immediately adjacent to the doors of every police station or barrack, and at the places (if any) appointed by the grand jury for posting notices within each parish, and a copy thereof shall be delivered to the clerk of the petty sessions of the district off which it is proposed that the larger portion of the expense of such work is to be raised, and to the county surveyor and secretary of the grand jury; and such notices shall be affixed and delivered ten days previous to the first day appointed for holding the presentment sessions at which the application for the work is to be made: Provided always, that when any application shall be made by any county surveyor for any public work in the manner herein-after mentioned, it shall not be necessary for such county surveyor to post any notice of such application.

Sessions at which applications for works shall be made.

XII. AND be it enacted, that all applications for works, the expense whereof it may be by such applications proposed to levy off the county at large or off the barony in which the county court house may be situate, shall be made at the presentment sessions to be holden thereat; and all applications for works, the expense whereof it may be proposed as aforesaid to levy off any other barony, shall be made at such presentment sessions as shall be holden in and

for such barony: Provided always, that all applications for the works herein-after mentioned shall, anything herein-before contained to the contrary notwithstanding, be made at the presentment sessions holden for the barony in which the works included in such applications may be locally situate; (that is to say,) all applications for lowering any hill or filling up any hollow, or both, on any public road, and for making the road thereon with stones and gravel, or for building, rebuilding, repairing, altering, or enlarging any bridge, pipe, arch, or gullet, built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe, or gullet, or for building or repairing any wall or part of a wall necessary to the support of or to prevent any steep banks of earth from falling upon any such road, or in erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes lying on the side of any public road, or for maintaining any dispensary.

XIII. AND be it enacted, that the applications for any new works which it is proposed to charge upon two or more baronies of any county, but not upon the county at large, shall and may be made at the presentment sessions holden for the barony off which it is proposed that the larger portion of the expense of such work is to be raised, without making the same at the presentment sessions for each of such baronies.

Sessions at which applications for works to be charged upon two or more baronies, shall be made.

XIV. AND be it enacted, that every application to be made at presentment sessions shall be lodged with some high constable of the county, in which such application is to be made, fifteen days, or with the secretary of the grand jury ten days at least before the day appointed for holding of the first presentment sessions in such county after any assizes; and every high constable, with whom any such applications shall be lodged, shall transmit such applications to the secretary of the grand jury ten days before the day appointed for holding such first sessions; and such secretary shall keep an office open, for the purpose of receiving such applications, during ten days immediately preceding the last day upon which such applications are required to be lodged with the secretary; and the said applications shall be open to public inspection without fee or reward; and such secretary shall, on the receipt of each application, endorse or cause to be endorsed thereupon the time when the same is lodged, and number and arrange all such applications as the works therein comprised may be proposed to be defrayed by the county at large or by any barony thereof, and shall make an abstract thereof and an index thereto referring to the numbers which he shall mark on each application; and such secretary shall produce and deliver all the applications which shall have been lodged with him or delivered at his office as aforesaid at the sessions proper as herein-before provided for the consideration of the same, together with the abstract thereof and the index thereto.

Applications to be lodged with high constable or secretary of grand jury, &c.

XV. AND be it enacted, that the county surveyor shall examine all the applications so lodged with the secretary of the grand jury as aforesaid; and in case no application shall have been made for the necessary surface repairs of any public road or footpath, or the keeping open of any drain adjoining any public road, or any other public work which to the said county surveyor shall appear necessary, it shall be lawful and he is hereby required to make application for the same in the manner herein-after appointed at the next presentment sessions to be holden for the county or barony by which the

County surveyor to examine applications and make application respecting public works, as to which none has been already made.

expense of such work ought to be defrayed ; and it shall not be necessary for the said surveyor to lodge any application made by him with the secretary of the grand jury, but such application being delivered to the chairman at such sessions shall be dealt with thereat in all respects in the same manner as the other applications which shall have been lodged with the secretary of the grand jury.

Manner in which applications are to be made.

XVI. AND be it enacted, that every application to presentment sessions for any presentment other than for a public work shall be made by or on behalf of the person or persons requiring such presentment, and every application to any such sessions for any public work shall be made by two persons paying grand jury cess, or by the county surveyor ; and every application to presentment sessions, whether for a public work or any other purpose whatsoever, shall set out the title of the Act authorizing such presentment, with the year of the King's reign, chapter, and section, as printed by his Majesty's printer, and shall specify the probable expense of the proposed work, and whether the money proposed to be raised thereunder is to be levied off the county at large or some or what barony or other denomination of land thereof, and shall be made in some one of the forms marked (A.), (B.), (C.), (D.), and so forth, in the schedule (X.) to this Act annexed, when any of such forms shall be found fitting and suitable ; and every such application shall be signed by the person or persons by whom the same shall respectively be made, with his or their own proper hands ; and it shall not be lawful, save as herein-after provided, for the secretary of the grand jury to receive any application which shall not have been made in manner and form herein appointed.

Applications to be decided upon at sessions.

XVII. AND be it enacted, that at each presentment sessions to be holden as herein-before provided the justices and cess payers associated in the business of such sessions shall take into consideration all such applications as may be laid before them in manner aforesaid, and examine into the posting or serving of the notices of all such applications, when a notice shall be necessary, and into the merits of such applications, and the conformity thereof with the provisions of this Act ; and the said justices and cess payers shall after such examination decide by majority of voices upon every such application, and whether the same ought to be adopted or rejected, and whether wholly or in part, or conditionally in the event of the expense thereof not exceeding a certain specified sum, and what modification thereof, if any, may be proper ; and if such justices and cess payers shall approve of any proposed work either wholly or in part, or conditionally, or of any modification thereof, they shall, save in the case of applications herein-after otherwise provided for, direct the county surveyor to prepare a proper form of tender for the execution of the same, together with such specifications, maps, plans, sections, or elevations as may be necessary, expressing the nature and extent of such works, and, if the sessions shall so direct, the quantity per perch and the description of the materials proper to be employed in performing and executing the same, and the term within which such work ought to be completed, and such other particulars as the said justices and cess payers shall think fit ; and such chairman shall endorse all applications accordingly which shall be adopted and approved, and sign his name thereto, and deliver all such applications, so endorsed, to the secretary of the grand jury ; and such county surveyor shall deliver such form of tender, specifications, maps, plans, sections, or elevations

Justices to direct the surveyor to prepare forms of tender with specifications, &c.

Applications and forms of tender, &c. to be delivered to secretary of grand jury.

in respect of the work to which each application shall relate, as soon thereafter as the same can be conveniently prepared, to the secretary of the grand jury; and the said justices and cess payers shall appoint the manner in which notice for the receipt of tenders and proposals for the execution of such works shall be given, and the period during which they shall be received, and shall adjourn such sessions until some day previous to the next assizes, to be then holden for the opening of such sealed tenders and proposals, such day not being later than thirty days from the day of such adjournment.

Adjourned sessions for opening tenders and proposals.

XVIII. AND be it enacted, that in case the magistrates and cess payers at two successive presenting sessions shall refuse to approve of any applications made for any public work, it shall be lawful for any of the persons who made application at such sessions for such work to present a memorial to the judges of assize at the assizes holden for the county in which such sessions may have been holden, stating such application and the disapproval thereof at the presenting sessions, and praying that the judges may direct the grand jury to make a presentment for such work; and such memorial shall be lodged with the secretary of the grand jury at least one month before the first day of such assizes, and a copy thereof shall be served on each of the chairmen at such presenting sessions at least one month before the first day of such assizes; and the person presenting such memorial shall also cause to be inserted in some newspaper published or circulated in the county notice of his intention to apply at the assizes for such order, and such notice shall be published at least three times before the first day of such assizes; and upon proof that such memorial and notices were served and published it shall be lawful for the judges of assize, or any of them, to cause a jury to be impannelled of persons returned to serve on juries at said assizes, to try and inquire whether such work is a proper one to be executed, and, if so, to ascertain and state the expense thereof; and if the jury shall find that such work is a proper work to be executed, it shall be lawful for the judge, if he shall think fit, to direct the grand jury to consider such presentment; and it shall be lawful for the grand jury at such assizes to present that such work shall be done either for the sum stated by the jury to be sufficient for the execution thereof, or such lesser sum as they shall think proper, or to refuse to make such presentment: Provided always, however, that no such memorial shall be proceeded upon, unless the memorialist shall, at the time of lodging such memorial with the secretary, deposit with him the sum of twenty pounds, as a security for such costs and expenses as the judge shall direct to be paid thereout to any person or persons who may appear to oppose such application, or any witness summoned to attend on the hearing of the application.

Proceedings in case the sessions refuse to approve any applications for public works.

XIX. AND be it enacted, that when the county surveyor considers it probable that the expense of any work will exceed the sum of one hundred pounds, it shall be lawful for the justices and cess payers at the presentment sessions, if they so think fit, to order a notice for the receipt of such tenders to be inserted in some newspaper circulating in the district, and to direct that the opening of the tenders for such work shall not take place at the adjourned sessions, but that such tenders shall be opened by the grand jury at the commencement of the following assizes, and such grand jury shall open such tenders accordingly, and proceed in all matters relating thereto in the same manner as the justices and cess payers at the adjourned sessions are herein-

If it is probable that the expense of any work will exceed 100l. the opening of the tenders may be referred to the grand jury, &c.

after directed to proceed in respect of tenders and contracts, and shall afterwards, in due order, take the application for such work into their consideration, in the same manner as if the tenders had been opened at the adjourned sessions, anything contained herein to the contrary notwithstanding.

On applications for repair of roads, &c. the sessions may contract for the same.

XX. AND in order to lessen the expense of keeping public roads in repair, and to obviate the necessity of making frequent applications to presentment sessions therefor, be it further enacted, that whenever any application shall be made in the manner herein-before provided for gravelling or repairing with small stones any public road, or for keeping open the drains on the side of any public road, or for gravelling or repairing any footpath on the sides of any such road, or for repairing the battlements of any bridges upon any such road, the justices and cess payers associated in the business of such sessions shall consider whether it may not be proper to contract for keeping such road or footpath in repair; and if they shall be of that opinion, they shall fix and determine the period, being not more than seven years, for which it is expedient that a contract should be made for that purpose, and the county surveyor shall insert such period in his specification and form of tender for such works.

Provision in case of death or illness of applicants.

XXI. PROVIDED always, and be it enacted, that in case any person who shall have signed any application in pursuance of this Act shall die, or be prevented by sickness or any unavoidable necessity from appearing at such sessions, it shall be lawful for the justice or justices and cess payers thereat to examine any other person or persons who shall have knowledge of the matter, and to decide upon such application, anything herein contained to the contrary notwithstanding.

Advertisements for tenders and proposals, &c.

XXII. AND be it enacted, that the secretary of the grand jury shall, upon being furnished by the county surveyor with the specification or form of tender for the execution of any such work as aforesaid, and the maps, plans, sections, and elevations belonging thereto, notify, by public advertisement or otherwise in such manner as the justices and cess payers at such presentment sessions shall have directed, his readiness to receive sealed tenders and proposals for the execution of such work during such period as shall have been appointed by the same authority for the reception of the same, and the time to which such sessions has adjourned for the opening of such tenders and proposals, and that forms thereof may be obtained at his office; and such secretary shall accordingly prepare a sufficient number of forms of such tenders and proposals, and furnish to any person who shall demand the same a copy thereof, receiving therefor the reasonable cost of preparing the same, not exceeding the sum of sixpence; and each of such sealed tenders and proposals shall contain a statement of the lowest sum for which the party making such proposal is willing to contract for the performance of the work or works specified and described in such notification, and shall be subscribed with the name, description, and residence of the party so desirous to enter into such contract, and also the names, descriptions, and residences of not less than two sufficient persons willing to be bound, jointly and severally, with him for the due and faithful performance of the said contract, within the time and in the manner thereby prescribed, in a penal sum double the amount of the said sum mentioned in such tenders and proposals, if the said sum shall not exceed one thousand pounds, but if such sum shall exceed one thousand pounds then

Contents of tenders, &c.

in a penal sum exceeding the sum mentioned in such tenders and proposals by one thousand pounds in addition thereto; and all maps, plans, sections, and specifications relating to any such work prepared by the county surveyor shall be open to public inspection in the office of such secretary without fee or reward.

XXIII. AND be it enacted, that at the meeting of each such adjourned presentment sessions as aforesaid the secretary of the grand jury shall in open court produce, duly numbered and arranged, and with the seals unbroken, all the tenders and proposals which may have been delivered to him, and shall open consecutively all those relating to the same public work, and so soon as the lowest proposal made for the performance of each such work shall be ascertained, the party making such proposal and his sureties shall be called; and if the said party and his sureties shall appear, and shall satisfy the justices and cess payers at such sessions, upon oath or otherwise, of the sufficiency and ability of each and every of them to answer and make good the penalty herein-before specified for the nonperformance of such contract, and that such proposal has not been made for any unfair or fraudulent purpose, and shall thereupon enter into security for the due performance of such contract, conditioned in such penalty as aforesaid, such proposal shall be accepted, and the party making the same shall be declared entitled to execute the work to which such proposal may refer, if the same shall be presented by the grand jury; but if the party making such proposal and his sureties shall not appear when called, or shall fail to satisfy the justices and cess payers at such sessions in any of the particulars aforesaid, or shall decline to enter into such security as aforesaid, then and in such case the proposal of the party making default as aforesaid shall be deemed null and void to all intents and purposes whatsoever, and the next lowest proposal shall be ascertained and dealt with in the same manner, and so on until the said security shall be entered into and the contract duly completed: Provided always, that if no proposal shall be made in respect of any work within the time limited for receiving the same, the application for such work shall be void and of no effect whatsoever; and provided further, that if the grand jury of the county at and for the assizes then next holden shall not make any presentment on the application in respect of which any contract shall have been made according to the provisions herein-after mentioned, then and in such case such contract shall be null and void to all intents and purposes, anything herein contained to the contrary notwithstanding.

At adjourned sessions tenders to be opened and contract entered into with person making lowest proposal and giving sufficient security.

If no proposal made, application to be void.

If no presentment made, contract to be void.

XXIV. AND be it enacted, that such security so to be entered into by contractors under this Act and their sureties, shall be a recognizance to his Majesty, his heirs and successors, and of like force, validity, and effect as other recognizances made to the King's Majesty; and at such adjourned presentment sessions any justices present or the chairman is hereby authorized to take such recognizance, and the secretary of the grand jury shall prepare the same, and come provided therewith, so as to prevent delay; and the expense of preparing the same, not exceeding one shilling, shall be defrayed by the party or parties entering thereinto; and such recognizance shall be preserved in custody of such secretary until the condition of such recognizance shall have been fulfilled, and shall then be delivered up to the conusee or

Security by contractors to be by recognizance to the King, &c.



conusees therein named, or to any person by him or them duly authorized, to be cancelled.

Schedules of applications to be prepared by secretary of grand jury, and printed; and copies to be delivered to sheriff, surveyor, &c.

XXV. AND be it enacted, that so soon as may be possible after the presentment sessions shall have been holden at all the places and times appointed therefor in each county, the secretary of the grand jury shall prepare and make schedules of the contents of all applications (save and except the applications to be certified as herein-after provided), approved of wholly or in part, and which may have been delivered to him for such purpose by the chairman at each sessions, including in one schedule all such applications for works proposed to be charged and raised on the county at large, county of a city, or county of a town, and in other separate schedules (videlicet, one for each barony,) all such applications for works proposed to be levied upon each barony, arranging all such applications in alphabetical order, and noting on the face of each schedule the particulars of the decision of the presentment sessions on each application; and such secretary shall forthwith cause copies of such schedules to be printed and distributed in such manner as shall have been authorized and directed by grand jury presentment at the assizes immediately preceding; and the said secretary shall deliver a copy of such schedules to each high sheriff of the county for the time being, and to each county surveyor, and shall, on the day when the grand jury shall be next impannelled, as herein-after directed, deliver one copy of the said printed schedules, together with the several applications, and annexed thereto any specifications, maps, plans, sections, or elevations of the works to which such application shall relate, which shall have been prepared by the county surveyor, and any contract which shall have been made for the performance of such works, to the foreman of such grand jury, and shall also deliver another copy of the said schedules to the judge of assize upon his arrival; and the said secretary shall keep another copy of the said schedule in his office, for the inspection of the public, during three complete days at least immediately before the day when such grand jury shall be first impannelled as herein-after provided.

Treasurer to apportion the sum required, and return the apportionment, &c. to the grand jury.

XXVI. AND be it enacted, that so soon as the secretary of the grand jury of each county shall have made such schedules, and totted up the amount of the sums required by the several applications, with reference to the contracts relating thereto, to be raised at such assizes on the county at large, the treasurer of such county shall apportion the same according to the usual mode of assessment on the respective baronies or half baronies; which apportionment, together with a copy of the presentments made at the preceding assizes, he shall return to the foreman of the grand jury at the time when they shall be first impannelled as herein-after provided.

Approved applications for new works, &c. where the sum exceeds 50*l.* to be certified by grand jury, &c.

XXVII. PROVIDED always, and be it enacted, that if any such application made at presentment sessions as aforesaid shall be for making any new road, or building any new bridge, or erecting, enlarging, repairing, rebuilding, or finishing any house or other building, the probable expense whereof shall exceed the sum of fifty pounds, and if the justices and cess payers at such sessions as aforesaid shall approve of such application, either wholly or in part, or of any modification thereof, they shall direct the county surveyor to prepare such specifications, maps, plans, sections, or elevations as may be

necessary, expressing the nature and extent of such works, and the materials proper to be employed in performing and executing the same; and the chairman of such sessions shall indorse such application accordingly, and sign his name thereto, and deliver such application so indorsed to the secretary of the grand jury; and such secretary shall lay each and every such application before the grand jury to be impanelled at the assizes held next after such application shall have been approved at such sessions, to be certified by the foreman thereof, who shall certify the same accordingly; but it shall not be lawful for the grand jury at such first assizes held after the presentment sessions whereat such applications herein-before described shall have been approved to make any presentment thereupon.

XXVIII. AND be it enacted, that at the first meeting of presentment sessions to be holden next after the assizes at which such application for any of the purposes last mentioned shall have been so certified as aforesaid for the same barony or for the county at large at which such application shall have been made, the county surveyor shall lay the specifications, maps, plans, sections, or elevations prepared as aforesaid in respect of the same before the justices and cess payers at such sessions for their consideration, who shall examine such specifications, maps, plans, sections, or elevations, and such other specifications, maps, plans, sections, or elevations as may be submitted to them, and shall decide by a majority of voices whether the same ought to be adopted or rejected, or what modification of such specifications, maps, plans, sections, or elevations may be proper in respect of each such application, and shall, if need be, direct the county surveyor to alter or modify the same accordingly, and to prepare a proper form of tender for the execution of such works, expressing the nature and extent of such works, and the materials proper to be employed in performing and executing the same, and the term within which such work shall be completed, and such other particulars as the said justices and cess payers shall think fit to prescribe, and shall deliver the specifications, maps, plans, sections, or elevations which shall be so approved, to the secretary of the grand jury, and shall appoint the manner in which notice for the receipt of sealed tenders and proposals for the execution of such work shall be given, and the period during which they shall be received; and such sealed tenders and proposals shall be opened at the first adjournment of such sessions to be made for opening sealed tenders and proposals; and thereupon such applications, and such tenders and proposals relating thereto, shall be included in the schedule of applications to be prepared and laid before the grand jury at the then next succeeding assizes, and shall be subject to such and the like regulations in all respects as other applications and other tenders and proposals are subject to under the provisions of this Act.

Sessions holden next after the assizes at which any such application has been certified shall proceed with the same like other applications.

XXIX. AND be it enacted, that every sheriff, immediately on receiving the precept appointing the day for opening the commission at the next assizes in his bailiwick, shall inspect the schedules to be delivered to him as aforesaid, and confer thereon with the county surveyor or surveyors, and thereupon, having regard to the quantity of business which it shall appear likely that the grand jury may be called upon to transact, shall fix and appoint, for impannelling the grand jury under the provisions of this Act herein-after set forth, such day previous to the day for opening the commission of assize as in his discretion may seem fit, such previous day not being more than

The sheriff to impanel grand jury not more than five nor less than one day before each assizes, &c.

five clear days and not less than one clear day before the day appointed for opening the said commission; and such sheriff is hereby authorized and required, in manner heretofore practised according to law for summoning persons to serve on grand juries in Ireland, to summon and return a sufficient number of persons, qualified according to law to serve as grand jurors in Ireland, to attend at the usual place of holding assizes upon the day by such sheriff so fixed; and the persons so to be summoned are hereby required to come and appear agreeably to the exigency of said summons, under like penalties and subject to like forfeiture of issues as persons heretofore summoned to appear and serve on grand juries at any assizes throughout Ireland, and to serve, under and subject to the like penalties and liabilities, until discharged from such attendance in due course of law; and on the day appointed for such attendance such sheriff shall attend with his sub-sheriff and assistants, and shall, or in the necessary absence of the sheriff the under sheriff shall, proceed to impanel the said grand jury in all respects, so far as may be possible, and with like solemnities, as heretofore practised according to the law for the impannelling of grand juries at the several assizes in Ireland; and the clerk of the crown shall attend at the time and place aforesaid, and shall, in such manner and form as hath heretofore been used in the swearing of grand jurors, administer to each of the grand jurors to be impanelled as aforesaid the oath marked (C.) in the schedule (Z.) to this Act annexed.

Jurors to be sworn.

The oath not to bind grand jurors to secrecy, except in criminal matters.

XXX. AND it is hereby declared and enacted, that it shall and may be lawful for any grand juror impanelled in Ireland to disclose any matter or thing relative to the making or refusing any presentment for or concerning public works or monies, or the expenditure of any money raised thereby; and that the oath taken by grand jurors in Ireland, so far as it regards any obligation of secrecy, shall not be construed or held to extend or relate to any of the functions of grand jurors in or concerning such presentments of public works or monies or any fiscal concerns whatsoever, nor any office or function of a grand juror other than the functions of such grand juror in matters of a criminal nature.

Mode of framing the grand jury panel.

XXXI. AND be it further enacted, that from and after the commencement of this Act the sheriff of each county shall in framing the panel of persons summoned to serve on the grand jury of such county at each assizes to observe the rule herein-after following; (that is to say,) he shall place first on such panel for each barony or half barony in such county (if there shall be ten or more baronies or half baronies therein) the name of some person having in such barony or half barony freehold lands of the yearly value of fifty pounds and upwards, or leasehold lands of the yearly value of one hundred pounds over and above the amount of rent payable out of or for such leasehold lands, so that as far as can be one fit and competent person having lands of the value aforesaid, and resident in each barony, if the same can be found therein respectively, shall be placed upon such panel; and having in such manner selected such one fit and proper person for each barony and half barony, or so many as he can so select, the sheriff shall complete the said panel in such manner as now by law authorized and directed; and the persons taken from the panel so framed shall be and constitute the grand jury or inquest of such county, anything in any writ, precept, or venire facias

expressed or directed, or any law, statute, usage, or custom, to the contrary notwithstanding, and as if such grand jury were altogether composed of freeholders: Provided always, however, that any presentment or indictment formed or made by any grand jury in Ireland shall not be liable to be traversed, quashed, or in any manner impeached by reason of the grand jury not being selected as aforesaid; but any sheriff who shall wilfully omit or neglect to follow the rules hereby made for the selection of the grand jury, shall be liable, on a complaint made to the judge of assize, to be fined for breach of the provisions of this Act such sum as such judge shall think proper, in addition to any other penalty or punishment to which he may by law be liable.

XXXII. PROVIDED always, and be it enacted, that it shall not be lawful for any stipendiary magistrate, or the treasurer of the county, or the secretary of the grand jury, surveyor, or high constable, or collector of any barony or half barony, or clerk of the crown, or clerk of the peace, or coroner of any county, to serve upon the grand jury at any assizes, or to act as justice or associated cess payer at any presentment sessions to be holden under the provisions of this Act for the county wherein he shall hold such office.

Certain county officers not to serve on grand juries or act at presentment sessions.

XXXIII. AND be it enacted, that the said grand jury so impannelled as aforesaid shall be and be deemed to all intents and purposes to be and shall constitute the grand inquest of the same county at and for the assizes then to be holden, and shall, save as herein-after otherwise provided, perform and discharge, and be bound to perform and discharge, all the duties, offices, and functions which any such grand jury might have performed and discharged, or would have been bound to perform and discharge, if the same were impannelled before the judge of assize in manner heretofore practised according to law, and subject to the like forfeitures, penalties, and liabilities, and shall possess and exercise all and every the powers, privileges, and authorities, which grand juries impannelled before the judge of assize in manner hitherto accustomed have possessed and exercised or ought to possess or exercise under and by virtue of the laws in force in Ireland, save as may be by this Act otherwise provided; and such grand jury shall not depart, save in case of adjournment as herein-after mentioned, until discharged by the judge of assize; and the assizes of each county shall, for the purposes of this Act, but only as respects matters connected with presentments for raising or accounting for or paying money or relating to public works, be deemed to commence from the impannelling of such grand jury as aforesaid.

Grand jury so impannelled to be the grand inquest of the county, &c.

Assizes shall commence from impannelling of grand jury.

XXXIV. AND be it enacted, that the grand jury impannelled as aforesaid shall not be competent to receive any bill of indictment, or to present any nuisance or offence, or to enter upon any criminal business whatsoever, or to perform any functions appertaining to grand jurors, other than those relating to presentments for raising money or accounting therefor, or public works, or the general fiscal concerns of the county, until the judge of assize shall open the commission; and the whole of such fiscal business shall be concluded by such grand jury at or before the opening of such commission; and all the presentments for raising money, or any how respecting public works, shall be delivered to the clerk of the crown at or before such time, save as herein-after provided; and after opening such commission with the accustomed formalities the judge of assize shall at the usual time direct the grand jury to

Grand jury not to enter on criminal business until commission is opened; and the fiscal business to be concluded before the opening of the commission, &c.;

attend in court, and cause to be administered, in manner and form heretofore practised according to law, to each of the persons composing the same, such oath as has been or ought to have been heretofore administered to such persons by such judge or justices; and the said grand jury shall then and thereupon be and become to all intents and purposes fully competent to the exercise of all functions of grand jurors whatsoever, save the making any presentment for raising money, or respecting public works, or such other business of a fiscal nature as has been herein-before directed to be concluded before opening the commission, or the first day of such term, as aforesaid.

except in case of special application made to judge of assize upon cause shown;

XXXV. PROVIDED always, and be it enacted, that it shall and may be lawful for such judge, upon a special application to be to him or them for that purpose made by the grand jury or otherwise, and upon cause shown for granting the same, to order and direct that the grand jury shall and may transact, after and notwithstanding the commission shall have been opened, any such matter relating to presentments for raising or accounting for money or public works, or the fiscal concerns of the county, as may be stated in such application; and by force of such order such grand jury shall be and become competent to transact the same, anything herein-before contained to the contrary notwithstanding; and provided further, that it shall and may be lawful for any grand jury, at each and every assizes, to present at any time before they are discharged such sum or sums of money as shall be ordered by the court to be paid to witnesses for their expenses as by this Act herein-after directed.

and in presenting for expenses of witnesses.

Grand jury to be called over at stated times by foreman.

XXXVI. AND be it enacted, that each grand jury shall, for the whole period during which they shall sit, be called over each morning at sitting by the foreman of such jury, and at all other times when the number of grand jurors present shall be less than by law required for the performance of the functions of a grand jury; and any grand juror who shall make default in his attendance at any of such times, shall for every such default incur a penalty of forty shillings, and such default shall be reported by the foreman to the judge of assize; and unless the same shall be excused on the ground of illness, or other good and substantial reason to the satisfaction of such judge, such fine and penalty shall be by the said judge confirmed and declared absolute, and recovered and applied in the same manner as fines and penalties imposed on jurors for any defaults or misbehaviour may now by law be recovered and applied; and if the foreman shall fail to call over the jury at the times herein-before appointed, or to report the absence of any juror upon such call, he shall incur a penalty of ten pounds for each such default, to be in like manner recovered and applied; provided that nothing herein contained shall limit or affect the authority of any judge to enforce the attendance of any grand juror as such judge may now enforce such attendance.

Penalty for default of attendance.

Penalty for neglect of foreman.

Grand jury as soon as impannelled to proceed with fiscal business, and to make or refuse presentments on all applications approved by presentment sessions, &c.

XXXVII. AND be it enacted, that the grand jury shall, upon being impannelled and sworn before the sheriff as aforesaid, forthwith proceed to transact in open court all such business relating to presentments for raising money, public works, contracts, and the fiscal concerns of the county, as may be appointed for them, and to consider and decide upon all applications which shall be made for presentments as herein-before provided, in the order in which the same shall be entered in the schedules thereof to be prepared as aforesaid, beginning with the applications for works to be defrayed by

the county at large, and examining all maps, plans, estimates, and specifications relating to each application; and the said grand jury shall be attended by their secretary, and by the county surveyor or surveyors, and shall hear and receive and direct to be read aloud in open court the several reports and certificates of such surveyor or surveyors, and shall have power and authority, at their discretion, to receive and obtain all legal and pertinent evidence which shall be tendered to them for or against the making any presentment or in anywise relating thereto, or concerning any public work or the execution of the same, if made wholly or in part at the expense of the county or any portion of the county, or any contract of or in respect of any of the matters aforesaid; and the said grand jury shall sit *de die in diem* until all the business which may come before them of the nature hereby directed to be despatched before the opening the commission, shall be concluded, or until the day appointed for opening the commission, or the first day of such term, shall arrive; and if the whole of such business shall be concluded before such day, then the said grand jury may adjourn to such day; and every such grand juror who shall not attend pursuant to such adjournment, shall be fined by the judge of assize for such nonattendance in any sum not exceeding the sum of fifty pounds, at the discretion of the said judge.

XXXVIII. AND be it enacted, that from and after the commencement of this Act it shall not be lawful for any grand jury, any law, usage, or custom to the contrary notwithstanding, to make a presentment for any public work whatsoever, or for raising any money, for which an application shall not have been made and approved at sessions, either wholly or in part, as herein-before provided, save and except such presentments as may be herein specially excepted, and also save and except such presentments as may be necessary for the immediate repairs of sudden breaches or damages in roads, bridges, gulleys, walls, or buildings, which have happened so recently as not to admit of the proper application having been made in manner before provided, which fact, together with the necessity for the immediate execution of such repairs, shall be proved before the grand jury upon oath; and in such case, although such application as aforesaid shall not have been lodged or approved as aforesaid, such grand jury shall nevertheless have power and authority to present for such repairs any sum of money in such case necessary to be paid to the county surveyor, or to be by him expended, or so much thereof as may be necessary, upon such repairs, and accounted for at the next assizes by such surveyor, upon oath; and the treasurer of the county shall, out of any monies in his hands available to the general purposes of the county, advance to such surveyor from time to time the monies, not exceeding the sum presented for such repairs which may be required therefor; and such monies so advanced shall be replaced by the monies raised and levied under the presentment which the grand jury have been herein-before authorized to make for such purpose.

Grand jury not to make any presentment unless application approved at presentment sessions, except in the cases herein mentioned.

[XXXIX.] AND be it enacted, that the lord lieutenant of Ireland shall from time to time appoint a board of three civil or military engineers to act,

Appointment of county surveyors.

[\* So much of section 39 as provides that the lord lieutenant shall appoint a board of three civil or military engineers to examine and certify the qualification of all persons desirous to act as surveyors under the provisions of this Act, rep., 25 & 56 Vict. c. 106. s. 1.]

without salary or emolument, in Dublin, who shall from time to time examine into and certify the qualifications of all persons desirous to act as surveyors or assistant surveyors under this Act; and such lord lieutenant shall appoint from time to time, out of the persons so certified, one or more surveyor or surveyors to act, at the salary or salaries herein-after provided, for each county; and it shall be lawful for the said lord lieutenant from time to time, at his pleasure, to remove such surveyors from county to county.

Surveyors  
may be dis-  
missed, &c.

Surveyors may  
appoint depu-  
ties in case of  
illness, &c.

Salaries of  
county sur-  
veyors.

XL. AND be it enacted, that all surveyors already appointed under the law now in force, or who may hereafter be appointed under this Act, for any county, may be at any time suspended or dismissed at the pleasure of the lord lieutenant of Ireland or by the respective grand juries of such counties; and in such case, and on every other vacancy, however occasioned, the said lord lieutenant of Ireland shall forthwith appoint a successor from and out of the persons who shall be from time to time certified to be qualified as aforesaid; provided that in case of indisposition, or other unavoidable cause, proved on oath to the satisfaction of the grand jury or any three justices of the peace, such surveyor may depute another person, duly certified as herein-before mentioned, to act for him, and such deputy shall be removable in like manner as his principal.

XLII. AND be it enacted, that the salary of each surveyor now appointed or hereafter to be appointed as aforesaid shall not exceed three hundred pounds per annum; and such salary shall, except as herein-after provided, be inclusive of all charges and expenses which each such surveyor shall incur, or to which he shall be liable, in performance of the several duties to him prescribed under the provisions of this Act; and each grand jury is hereby authorized and required to fix the amount of such salary for its own proper county, not exceeding the sum herein-before mentioned, and at each assizes to present a moiety of the salary or salaries of each surveyor or surveyors for such county for the half year last past, and payment of the same shall be made accordingly: Provided nevertheless, that in case the grand jury at any assizes shall be of opinion that any surveyor has been guilty of neglect of his duty, or other misconduct, such grand jury shall have authority to direct the salary of the surveyor so neglecting his duty or misconducting himself to be withheld, and shall report such neglect or misconduct to the said lord lieutenant of Ireland; and if the said surveyor shall be, upon such report, or at any time in any other manner or for any other reason, dismissed from his office, he shall forfeit, at the discretion of the lord lieutenant, the whole or any part of the arrears of salary due to him, and the same shall be applicable to the general purposes of the county, in like manner as other monies from time to time levied off such county and arising in the hands of the treasurer.

Duties of  
county sur-  
veyors.

XLII. AND be it enacted, that the surveyor or surveyors to be appointed as aforesaid shall attend at each presentment sessions to be held for the reception of applications for presentments, and shall afford such professional advice and assistance in the consideration thereof as may be required of him, and shall prepare forms of tenders and proposals, specifications, maps, plans, sections, or elevations of any work approved thereat, and shall himself make such application when necessary as herein-before directed, and shall also attend upon the grand jury, and make to them a full and particular report on all applications for presentments lodged with the secretary as aforesaid, and

the necessity or utility of the same, and on the correctness of the maps, plans, specifications, and estimates prepared as aforesaid, and how far it may be expedient to alter, vary, or modify the objects stated in such applications; and the said surveyor or surveyors, or one of them, shall also report on all applications on part of contractors, and on the progress and execution of all public works formerly presented, and on the performance of all contracts, and on the state, repairs, progress, and condition of all buildings, roads, bridges, gulleys, walls, or other work; and the said surveyor or surveyors, or one of them, as the grand jury shall direct, shall audit all accounts of such works, and ascertain and certify the correctness thereof, and whether each contractor is entitled to payment, and how far, and whether such contractor has conformed to the provisions of this Act and the laws in force in Ireland, and shall also report the name and description of all persons by him prosecuted for any nuisance or injury to any road, or any other offence of like nature, and the result of such prosecution, and the proceedings therein, and generally on all matters and things relating to the office of surveyor, or which may be given to him in charge by the grand jury.

XLIII. AND be it enacted, that each such surveyor shall keep an office open for his regular attendance on business in such place as the grand jury shall appoint, and which they are hereby required and empowered to appoint; and each such surveyor shall employ one fit and competent person to be a clerk in his said office, who shall give regular attendance in the said office, and for whose conduct such surveyor shall be at all times responsible; and such grand jury is hereby authorized and required to present, over and above the salary payable to such surveyor, a sum not exceeding fifty pounds in each year, to defray the expense of such office, and to pay the salary of such clerk, a moiety whereof the said grand jury is authorized and required to present at each assizes for the half year last past, and to pay the same to such surveyor accordingly, subject always to the provisions herein-before contained with respect to the payment of the salary of the said surveyor; and it shall be lawful for every surveyor to appoint so many persons as the grand jury shall, with reference to the extent of the county and of the duties to be performed, think necessary, to be assistants to such surveyor; and each of such assistants shall be paid such salary, not exceeding fifty pounds per annum, as the grand jury shall direct, which shall be presented by the grand jury by half-yearly instalments at each assizes: Provided always, however, that no person shall be appointed such assistant who shall not be certified by the said board to be a fit and competent person to discharge the duties of such office; and every such assistant shall obey the orders of such surveyor, and be removable in the same manner as the surveyor himself is.

Surveyors shall keep an office open, and appoint a clerk, &c.

XLIV. AND be it enacted, that no such surveyor or his clerk or assistant shall be eligible or liable to serve or act on any jury, nor to fill any other county office whatsoever in any county, nor take or receive any fee or gratuity whatsoever from any contractor or other person engaged in any public work in any county, nor for any matter or thing in anywise appertaining to the duty of such surveyor, clerk, or assistant, nor be or become in any manner, directly or indirectly, interested in any contract for the performance of any work presented or to be presented by any grand jury, on pain of forfeiting his office, with all arrears of salary then due to him; and every such contract

Surveyor or clerk not to serve on juries, or fill any other county office, &c.



in which such surveyor, clerk, or assistant shall be or become in any manner directly or indirectly interested, shall be absolutely void; and the surveyor, clerk, or assistant so interested shall forfeit fifty pounds, to be recovered, with full costs of suit, by any person who shall sue for the same.

Appointment of secretary of the grand jury, and discharge of his duties by clerk of the peace during his illness, &c.

XLV. AND be it enacted, that it shall be lawful for every grand jury to appoint a proper person, duly qualified according to the laws now in force, to act as their secretary; and every secretary of the grand jury now appointed, or who shall be appointed hereafter under the provisions of this Act, shall continue to act as such until he shall be removed by the grand jury, or until another person duly qualified shall be in like manner appointed; and if any person appointed secretary shall happen to die, or be unable from illness to do the duty, the clerk of the peace or his known deputy is hereby required to act as such until the last day of the ensuing assizes, or (in case of the illness of the secretary) until such secretary shall be able to resume his duty; and for the performing all and singular the duties of such secretary such clerk of the peace or his said deputy shall be entitled to receive a rateable proportion of the salary of such secretary for the time during which he shall have performed such duties: Provided always, however, that it shall not be lawful to appoint or continue joint secretaries, or more than one person as secretary in any county.

Such secretary not to be clerk of the peace, &c.

Penalty on such secretary for neglect of duty.

XLVI. AND be it enacted, that it shall not be lawful for the same person to be appointed after the passing of this Act secretary of any grand jury and clerk of the peace, or clerk of the crown, or treasurer of any county, or collector of grand jury cess, or inspector of gaols; and in case the secretary of any grand jury shall at any time refuse or neglect to perform any of the duties imposed upon him by the provisions of this Act, such secretary, being convicted thereof before the judge of assize, shall for such refusal or neglect forfeit any sum not exceeding fifty pounds, at the discretion of such judge, and no presentment shall be made of any salary to him.

Grand juries not to name persons in presentments by whom works are to be executed.

All works, printing, &c. to be executed by contract.

All contracts to be by sealed tenders and proposals, &c.

XLVII. AND be it enacted, that it shall not, from and after the commencement of this Act, be lawful for any grand jury, in making a presentment for any public work, to name or appoint therein any person or persons to execute the same, save and except in case of sudden damage or injury under the provision herein-before made in that behalf; but all works, save as aforesaid, and save and except in the case of such repairs as may be executed pursuant to the order of two justices; as herein-after specially provided for, which shall be presented by any grand jury, shall be executed and performed by contract; and all printing for which any grand jury shall be authorized to make presentment shall also be executed by contract; and every contract, whether for any work, printing, or other purpose whatsoever, shall be made by sealed tenders and proposals, to be delivered, opened, and dealt with, and security to be taken, in manner herein-before provided; and no contract shall be entered into save upon and after application made and approved at presentment sessions; and the functions of every grand jury shall in respect of all applications to be made at any presentment sessions be limited to the approval or rejection of the same as approved or modified by such sessions, and to the presentment or annulling thereof accordingly: Provided nevertheless, that no magistrate of the county or cess payer shall undertake or be interested in any contract under this Act for any work approved of or

No magistrate, &c. to undertake contract, &c.

applied for at any sessions at which he shall act or be capable of acting as a justice or associated cess payer, nor shall any county officer, or any person in his employment, undertake or be interested in any contract under this Act; and provided further, that nothing herein contained shall extend to restrain or affect any contract made or to be made with any commissioners acting under authority of Parliament in the loan, advance, or grant of Exchequer bills or money.

Saving as to contracts with loan commissioners.

XLVIII. AND be it enacted, that the secretary of each grand jury shall provide and keep a book in which he shall insert an abstract of all contracts which now are or hereafter may be entered into by such grand jury, setting out the names of the several contractors, and the particulars of each contract, and in the case of roads, for the keeping in repair of which contracts may be or shall have been made, setting out the places whence and to which each road contracted for leads, and at what milestone, mearing, or noted place each road or part of a road under the charge of such contractor commences and ends, or the names of the occupiers of the lands where his contract commences and ends, and the number of perches of road included in each contract, and the rate per perch at which each contract has been entered into, and the whole annual sum which each contractor is to be paid, and the period for which each contract is made; and all contracts so entered in such book shall be numbered, and every such book shall have an alphabetical index referring to the number of each contract.

Secretary to keep a book containing abstracts of contracts.

XLIX. AND be it enacted, that any two justices of the peace at petty sessions in any county may, under their hands and seals, order any sum not exceeding twenty pounds to be expended in repairing any bridge, or any sum not exceeding ten pounds to be expended in repairing any public road, or any pier or quay on the bank of any navigable lake or river, now or hereafter to be built by grand jury presentment, which may be suddenly damaged, provided it shall appear upon the view of both of them, that the repairs of such bridge or road or such pier or quay cannot be delayed until the next assizes without prejudice to the public, . . . . .; and it shall be lawful for such justices to appoint a proper person or persons to repair the same; and the grand jury of any such county is hereby empowered to present at the next assizes the sum so expended in repairing any such bridge or road which is liable to be repaired by the county at large to be levied on such county at large, and any sum so expended in repairing any other road to be levied on the barony or on the county of the city or town wherein the same is situate, and any sum so expended in repairing any such pier or quay to be levied on the county at large; and the sum so presented in the said several cases shall be paid to the person or persons so appointed by such justices to make such repairs, upon his or their producing such order under the hands and seals of the said justices, and also a certificate under the hand of the county surveyor that the sum specified in such order appears to have been faithfully and honestly expended pursuant thereto: Provided always, that the same justices of the peace shall not make or sign more than one order for the expenditure of any sum as aforesaid for the reparation of the like sudden damage between the termination of one assize and the commencement of another.

Any two justices may order sums not exceeding 20*l.* for repairing sudden damages to bridges, and 10*l.* to roads, &c.

L. AND be it enacted, that it shall and may be lawful for any grand jury to present any part of any public road to be widened to any breadth not

Presentment for widening

or repairing  
public roads,  
&c.

more than fifty feet in the clear, or to narrow such roads as the surveyor may report to be unnecessarily wide, and to present all such sum or sums of money as shall be necessary for widening and fencing the same, or for gravelling, macadamizing, paving, fencing, repairing, or otherwise improving any part of any public road, or for filling up grips or trenches on the sides of any public road, and making sufficient fences instead thereof, or for filling dikes or holes on the sides of any public road or for making, widening, or deepening drains on the side of any such road, and, carrying off the water therefrom, to be levied off the barony, county of a city, or county of a town where the same shall be situate: Provided always, that when such public road shall be any road upon which his Majesty's mails are or shall be carried in mail carriages, one half of such sum or sums of money as shall be necessary for any of the purposes aforesaid shall be presented to be levied off the county, and the other half off any barony or baronies in which such road or any part thereof is or shall be situate.

Proviso in case  
of post roads.

Presentment  
for making and  
repairing foot-  
paths.

LI. AND be it enacted, that it shall and may be lawful for the grand jury of any county at any assizes to present any footpath to be made or repaired along the side of any road for which they may have authority to make presentment, and to present such sum or sums of money as may be necessary for making or repairing the same to be levied either off the county or off the barony or baronies in which such footpath shall be locally situate, according as the expense of making or repairing such road shall be presented to be levied off the county or any barony or baronies thereof.

Power to pre-  
sent roads, &c.  
to be repaired  
by contract for  
any time not  
exceeding  
seven years.

LII. AND be it enacted, that it shall and may be lawful for the grand jury of any county to present any public road within such county, or any part of such public road, or any footpath upon the side of such road, to be gravelled or repaired with broken stone, or the battlements of any bridge upon such road to be kept in sufficient order and repair, by contract, for any space of time not exceeding seven years, and also from time to time to present such sum or sums of money as shall be necessary for the execution of any of the above-mentioned works, and the payment of the person or persons with whom such contract for the execution of the same shall have been made, to be levied or raised off any barony, county of a city, or county of a town in which such road may be locally situate, and, when it passes through more than one barony, then proportionately on each barony: Provided always, that in the case of any road upon which his Majesty's mails are or shall be carried in mail carriages one half of the expenses of such repairs shall be levied off the county, and the other half off any barony or baronies in which such road or any part thereof may be locally situate.

Proviso in case  
of post roads.

County sur-  
veyor to cause  
roads to be re-  
paired in case  
of neglect on  
the part of  
contractor.

\* \* \* \* \*

LIV. PROVIDED always, that in case it shall appear to the county surveyor, at any time during the continuance of any contract now made or hereafter to be made for keeping any road in repair, that such road is not in proper repair, he shall require the contractor to put the same in repair, and if such contractor shall neglect to do so within ten days after he shall have been so required, such surveyor shall cause the same to be repaired, and the expense thereof shall be deducted and paid out of the sum which would be payable to such contractor if the road had been kept in proper repair.

**LV.** AND be it enacted, that it shall and may be lawful for the grand jury at any assizes to present any new road to be laid out and made of any width not less than sixteen feet nor more than fifty feet in the clear, and to present all such sum and sums of money as shall be necessary for laying out, or for forming, levelling, and draining, or for gravelling, paving, and making the same, and also for making fences thereto, to be levied on the barony or county of a city or county of a town in which the same shall be situate, and, when it passes through more than one barony, then proportionately on each barony, unless such new line of road shall be one upon which it is intended that his Majesty's mails shall be carried in mail carriages, in which case it shall and may be lawful for the grand jury to present one half of all such sums of money as shall be necessary for any of the purposes aforesaid to be levied off the county, and the other half off any barony or baronies through which such new road shall pass: Provided always, that no presentment shall be made for laying out any such new road unless together with the application therefor a map of such intended new road has been lodged with the secretary of the grand jury ten days at least before the day for holding the first presentment sessions after each assizes in such county, and that a notice setting forth that an application is intended to be made for a presentment to lay out such new road (distinguishing the several townlands and baronies through which it is intended to be carried, with the number of perches in length through each townland,) has been personally served upon or left at the house of each occupier of the land through which such new road is intended to be made, fifteen days at least before the day of holding such sessions, nor unless it shall appear that no part of such new road is to be made through any deer park inclosed with a wall built of lime and stone or bricks, five feet high or more, without the consent of the owner thereof, and that no part thereof is to be made through any house entirely built with lime and stone or bricks, or through any office belonging to any person inhabiting a house so built, without the consent of such person.

Presentment for new lines of road to be levied on the barony, &c.;

or, in case of post roads, on the county and barony.

Map of the line to be lodged with secretary along with application.

Service of notices upon occupiers of land, &c.

**LVI.** AND be it enacted, that it shall and may be lawful for the grand jury of any county to present such sum or sums of money as may be necessary for lowering any hill or filling up any hollow, or both, on any public road, and for making the road thereon with stones and gravel, or for building, rebuilding, repairing, altering, or enlarging any bridge, pipe, arch, or gullet built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe, or gullet, or for building or repairing any wall or part of a wall necessary to the support of or to prevent any steep banks of earth from falling upon any such road, or for erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes on the side of any public road, to be raised either off the county or off the barony or baronies in which the same may be locally situate.

Presentment for lowering hills, filling up hollows, building and repairing bridges, &c. upon public roads.

**LVII.** AND be it further enacted, that where a river or stream or where any road is the boundary between two counties, so as that one side of such road shall be in one county and the other side in another county, it shall not be lawful for the grand jury of either county to present to be raised on either county, or upon any barony of either county, more than one half of the sum required for building, rebuilding, repairing, enlarging, or altering any bridge,

Where a river or road is the boundary of two counties, one half the sum shall be raised off each.

pipe, arch, or gullet over such stream or river, or for repairing, making, or widening any such road; and no application for payment on account of any such presentment shall be allowed unless an equal sum shall have been presented to be raised for the said work on the adjoining county or some barony thereof.

Lines of new road may be surveyed upon certificate of surveyor, allowed by two justices.

LVIII. AND be it enacted, that it shall and may be lawful for any person or persons to survey and measure any line intended for a new road for which a presentment is to be applied for, and for that purpose to enter in and upon any lands or premises through which such intended line may pass, provided that such person or persons shall be thereunto authorized by a certificate in writing under the hand of the county surveyor, stating that such survey, and entry to make the same, is proper, and that such certificate shall be allowed by two justices of the peace for the county wherein such lands or premises may be situate, such allowance being signified under their hands by indorsement upon such certificate.

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Presentment of old roads to be stopped up.

LX. AND be it enacted, that it shall be lawful for the grand jury of any county, after application made and approved of at the preceding presentment sessions, to present any old road in such county which may appear to them to be useless to be stopped up, to every which presentment it shall be lawful for any person to enter a traverse at the then or the next assizes; and if such traverse shall not be tried within a year after such presentment shall be made, the presentment shall stand good and valid to all intents and purposes:

Commissioners under 1 & 2 Will. 4. c. 33., on application of postmaster general, and with consent of lord lieutenant, to cause post roads to be repaired.

LXI. AND whereas it is expedient that provision should be made for the more speedy and effectual repair of roads in Ireland upon which his Majesty's mails are carried: Be it therefore enacted, that it shall be lawful for the commissioners acting under and in execution of an Act passed in the first and second years of the reign of his present Majesty, intituled "An Act for the extension and promotion of public works in Ireland," upon the application of his Majesty's postmaster general for the time being, setting forth and describing the line of any such road or the portion of any such road which may stand in need of repair, by and with the consent of the lord lieutenant or other chief governor or governors of Ireland, to cause such road, or such portion thereof as shall be described in such application, and any or every bridge, arch, or pipe, gullet or wall thereon, to be put forthwith into good and sufficient repair accordingly, under the superintendence of the county surveyor in every county except the county of Dublin and county of the city of Dublin, and in each of those counties under the superintendence of a surveyor appointed by them; and that upon the application of the said commissioners, setting forth what sum will be requisite and necessary from time to time for the purposes aforesaid, it shall and may be lawful for the lord lieutenant of Ireland to direct by his warrant that the sum or sums of money so required by the said commissioners shall be advanced and paid to the said commissioners out of the produce of the consolidated fund of the United Kingdom of Great Britain and Ireland, to be applied under the directions of the said commissioners in manner aforesaid.

Amount of money expended in such

LXII. AND be it further enacted, that whenever any such road or bridge, or any portion thereof, not being a turnpike road or bridge, shall be so put in

good and sufficient repair, under the direction of the said commissioners, the secretary to the said commissioners shall deliver or cause to be delivered to the secretary of the grand jury of any and every county, within which any such road or bridge or any portion thereof shall be situate respectively, a certificate of the amount of money which shall have been so expended upon the repair of any such road or bridge or any portion thereof, and the other expenses aforesaid, within any and every such county respectively, together with an account of the items of such expenditure, certified by the said county surveyor or other person employed; and every such certificate and account shall at the next or some succeeding assizes be laid before the grand jury of any and every such county respectively, and thereupon the grand jury of any and every such county respectively shall make presentment of the amount of such expenses as stated in such certificate, to be raised off such county at large, barony or half barony, previously chargeable with the maintenance of such road or bridge; and when and so soon as the sum so to be presented as aforesaid shall be raised and received by the treasurer of any and every such county respectively, he shall pay over the same to such bank or person as the lords commissioners of his Majesty's Treasury or any three or more of them shall direct, or to such person or persons and in such manner as may be directed by the vice-treasurer of Ireland.

repairs to be certified to the grand jury of the county, who shall present the same.

LXIII. PROVIDED always, and be it enacted, that wherever any bridge which shall be repaired by the said commissioners as aforesaid shall be situate partly in one county and partly in another, the expense of repairing such bridge shall be borne and defrayed equally by such counties; and the certificates and presentments by this Act required shall be framed and made accordingly.

Expense of repair by commissioners of bridges between counties to be borne equally.

LXIV. AND be it enacted, that if at any time hereafter it shall appear from a memorial signed by twenty cess payers in any barony that the grand jury of any county has twice refused to present for the making or repairing of any road in such barony, and that by reason thereof the inhabitants of such barony are aggrieved, it shall be lawful for the lord lieutenant to refer such memorial to the commissioners of public works to examine into the truth of the allegations therein contained, and to report thereon, and particularly to report whether it is necessary for the public convenience that such road should be repaired or made, and what would be the expense thereof; and thereupon it shall be lawful for the lord lieutenant, if he shall think fit, to refer such report to the grand jury of the county at the next assizes; and such grand jury may thereupon, if they shall think fit, present that such road shall be made or repaired in such manner as shall be recommended by the report of the said commissioners, and that the sum necessary for that purpose shall be raised off the county or any barony or baronies thereof in such proportions as they may think proper; and in case they shall refuse or neglect to make any such presentment, it shall be lawful for the lord lieutenant to direct the said commissioners to cause such road to be made or repaired, and the expense thereof shall be certified by them to the lord lieutenant, who shall cause such certificate to be laid before the grand jury of the county, and such grand jury shall and they are hereby required to present the amount thereby certified to be levied off the county at large in which such road may be situated, and

Proceedings in case of grand jury refusing or neglecting to make presentment for making or repairing any road.

to be repaid to such commissioners by such instalments as the lord lieutenant shall think fit to direct.

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Presentment for obtaining maps of ordnance survey, and correct surveys and maps of alterations of county roads.

LXVI. AND be it enacted, that it shall and may be lawful for the grand jury of any county, on the publication of the ordnance trigonometrical survey, to present, for the maps thereof to be mounted, in baronies or otherwise, as may by them be deemed best, a sum not exceeding the rate of ten pounds for every thirty-five thousand acres, to be levied off the county at large; and it shall and may be lawful for the grand jury of any county, at the end of every ten years from the date of the publication of the ordnance survey of such county, to present a sum not exceeding the rate of twenty pounds for every fifty thousand acres, to be levied off the county at large, for obtaining a correct survey and map containing all the alterations made in the roads of such county since the then last preceding survey.

Presentment for constructing, repairing, &c. piers and quays on navigable rivers or lakes or on the sea coast, and making approaches, &c.

LXVII. AND be it enacted, that it shall and may be lawful for the grand jury of any county to present, to be levied off such county, for the erection of any pier or quay, or for the repairing or enlarging of any existing pier or quay, on the banks of any navigable river or lake or on the sea coast, or for the making or repairing of any road or approach to any such pier or quay, or for deepening or embanking any such river or lake, in such county, any sum or sums of money not exceeding in the whole the sum of three hundred pounds, not exceeding two thirds of the whole sum at which said work has been contracted for: Provided always, that no sum or sums of money shall be presented for the erection of any pier or quay, or the making any roads or approaches thereunto, until the person or persons making application therefor at the county presentment sessions shall have paid into the hands of the county treasurer a sum equal to the one third part of the whole sum at which said work has been contracted for, and such payment shall have been certified to the grand jury by the said treasurer's receipt, nor unless the consent in writing, under the hand and seal of the owner or owners in fee, or of the person or persons having a lease of lives renewable for ever, or a term of years of not less than ninety-nine to come and unexpired at the time of making such presentment, of or in the lands on which the said work is to be constructed; shall have been lodged in the office of the said treasurer six clear days before the assizes at which the application for such presentment is to be considered.

Such piers and quays to become public property.

LXVIII. AND be it enacted, that every pier or quay, which has been or may hereafter be built or enlarged by presentment of any grand jury upon any navigable lake or river or on the sea coast pursuant to the provisions of this or any other Act of Parliament, shall be deemed and become public property.

Presentment for building, repairing, &c. court houses and sessions houses.

LXIX. AND be it enacted, that it shall and may be lawful for the grand jury of any county to present such sum or sums of money, to be raised off such county, as shall be necessary for building, rebuilding, enlarging, repairing, altering, or fitting up any court house or sessions house therein; and whenever any presentment shall be made for any of such purposes, or any other public works, and the sum necessary to be raised for the same shall be greater than it may be proper to levy off such county at one time, then and in every such

case it shall be lawful for such grand jury to present in the first instance the whole sum required for such purpose, and to direct in and by such presentment that the same shall be raised on such county by such half-yearly sums or instalments, and in such proportions, as to such grand jury may seem expedient, and the same shall be so raised accordingly: Provided always, that it shall be lawful for any subsequent grand jury to present that any of the said instalments shall be increased to any sum that shall be found necessary or proper.

Expenses may be raised by half-yearly instalments.

LXX. AND be it enacted, that in case at any time hereafter the lord lieutenant shall direct that a quarter sessions of the peace or any adjournment thereof shall be holden for the despatch of civil or criminal business in any town or place in which there may not be a sessions house, the surveyor of the county shall, on being required by the lord lieutenant so to do, prepare such specifications, maps, plans, sections, and elevations as may be necessary for the erection of a sessions house therein, expressing the nature and probable expense of the works and the materials proper to be employed; and the same shall be delivered to the secretary of the grand jury, who shall lay the same, together with a copy of the warrant of the lord lieutenant, before the grand jury at the assizes next after the time at which he shall receive the same; and the grand jury shall examine such specifications, maps, plans, sections, and elevations, and such others as may be laid before them, and either adopt the same or make such alterations therein as they may think proper, or reject the same, and shall present that a proper and sufficient sessions house shall be provided or built in such town or place within the period of one year from such assizes, and that a sum not exceeding one thousand pounds shall be levied off the county for that purpose at one time, or by instalments to be completed within the period of five years; and the surveyor shall thereupon prepare a proper form of tender for the execution of such work, and shall deliver the same to the secretary of the grand jury, who shall lay the same, together with the presentment, and the specifications, maps, plans, sections, and elevations, as approved of by the grand jury, before the next presentment sessions holden for the county at large, who shall direct within what period before the day to which such sessions may be adjourned tenders for the execution of the works shall be received; and any tenders that shall be made for the execution of such works shall be opened at the first adjournment of such sessions, and dealt with in all respects in like manner as any other tender for a work approved of and presented is: Provided always, that if such presentment shall not be made, and a valid contract for executing such work shall not be entered into within the period of two months from the assizes at which such warrant shall have been laid before the grand jury, it shall be lawful for the lord lieutenant to direct the commissioners of public works in Ireland to build or provide such sessions house; and on the production to the grand jury at any assizes of the certificate of the secretary of such commissioners that a sum not exceeding the sum of one thousand pounds has been expended in building such sessions house and purchasing a site for the same, or for either of such purposes, the grand jury shall and they are hereby required to present the sum so certified to be levied off such county in one payment, and to be paid to the secretary of the said commissioners in satisfaction of the sum so expended: Provided further, that in

If quarter sessions are directed to be held in any place where there may not be a sessions house, the surveyor to prepare specifications, plans, &c.

Grand jury to examine them, and present that a sessions house shall be built, and a sum levied off the county for that purpose, &c.

If no presentment is made, &c. lord lieutenant to direct commissioners of public works to build sessions house, &c.



case the said commissioners of public works shall find it convenient to take a lease of any premises for the purpose of building such sessions house thereon, they shall be at liberty to do so, and to engage to pay an annual or other rent for the same, not exceeding the sum of fifty pounds per annum; and the grand jury shall and they are hereby required from time to time to present a sum equal to the amount of such rent to be levied off the county and paid in discharge of the same.

Grand juries  
may advertise  
for specifica-  
tions, &c.

LXXI. AND be it further enacted, that it shall and may be lawful for the grand jury of any county to advertise in the public newspapers for specifications, maps, plans, sections, and elevations from professional architects for the erection, alteration, and repair of such buildings as may be required for the public use of the county, and to present a sum not exceeding fifty pounds as remuneration to the architect whose plans shall be approved of, and to employ such architect, should they judge it necessary, in superintending the work to be executed pursuant to his plan, on such terms as may be determined by the grand jury.

Purchase, &c. of  
sites for court  
houses and ses-  
sions houses.

LXXII. AND be it enacted, that whenever any presentment shall be or has been made for the purpose of building a new or enlarging any court house or sessions house in and for any county, it shall and may be lawful for the grand jury of such county to authorize such commissioners as such grand jury shall appoint to contract and agree with any person or persons, or body or bodies corporate or politic, for the purchase or renting of any houses, buildings, lands, tenements, or hereditaments convenient for the site of any new court house or sessions house, or adjoining to any old court or sessions house, and convenient for the purpose of enlarging the same or the courts or outlets thereunto belonging; and the lands, tenements, or hereditaments so contracted or agreed for shall be demised or conveyed to such commissioners, and to their heirs, executors, administrators, and assigns, in trust for the uses and purposes aforesaid; and such commissioners shall be appointed, and such demise or conveyance made in such manner and under such and the like rules and regulations, as are prescribed in an Act made in the seventh year of his late Majesty's reign, intituled "An Act for consolidating and amending the laws relating to prisons in Ireland," with respect to the appointment of commissioners, and the demising and conveying of any lands, tenements, or hereditaments to such commissioners under that Act: Provided always, that in case such commissioners shall be unable to agree with the owners of any lands, tenements, or hereditaments proper or necessary to be purchased for the purposes of any such presentment, and if the grand jury by which such presentment shall have been made or any subsequent grand jury shall direct that the same be purchased or rented by and under the valuation of a jury, it shall and may be lawful to and for the commissioners appointed as aforesaid, or any three or more of them, to issue their warrant to the sheriff in the manner directed by the said Act of the seventh year of his late Majesty's reign, and thereupon such and the like proceedings shall and may be had and taken for summoning, impannelling, and swearing juries, and valuing the premises so directed to be purchased or rented, and each and every part thereof respectively, and for obtaining the full possession and seisin thereof and a good title thereto in the said commissioners, and with and subject to all the same rules, regulations, conditions, and jurisdictions, as in the said Act provided concern

7 Geo. 4. c. 74.

ing any premises to be purchased by such valuation under the aforesaid Act of the seventh year of his late Majesty's reign, and the said commissioners shall in that behalf have, possess, and exercise all and every the like powers and authorities as by the said Act are granted to and vested in the commissioners therein mentioned; and it shall be lawful for any such or any subsequent grand jury to present the sum so agreed upon or fixed as the purchase money of such premises, and the costs attending such purchase, to be levied off such county, either at one time or by half-yearly instalments, in such manner as they may think proper, and such presentment may be made without any previous application to any presentment sessions.

LXXIII. AND be it enacted, that it shall and may be lawful for the grand jury of any county, and they are hereby required, to present at each assizes, without previous application at presentment sessions, to be raised upon such county, all such sum or sums of money as shall be necessary for paying such rent or rents of any court house or sessions house, or their appurtenances respectively, as now are or shall at any time hereafter be payable for the same.

Presentment for rents of court houses and sessions houses.

LXXIV. AND be it enacted, that whenever any court house of or for any county at large shall have been built or enlarged pursuant to the provisions of this or any other Act of Parliament, then if such court house or the additions so then made thereto shall be within a county of a city or county of a town wherein the assizes or commissions of oyer and terminer and general gaol delivery for such county have usually sat or been held, every such court house which shall have been so built or enlarged, and all additions so thereto made and appurtenances therewith occupied, shall be deemed and taken to be part and parcel of the county at large for which the same shall have been so built or enlarged as aforesaid: Provided always, that whenever such tenement shall cease to be a court house, whether by reason of the building a new court house or otherwise, then and from thenceforward such house and the site and appurtenances thereof shall be and be deemed and taken to be part and parcel of the county of the city or county of the town within which the same shall be so locally situate.

Court house for county at large built within a county of a city, &c. to be deemed part of the county at large.

LXXV. AND be it enacted, that it shall and may be lawful for the commissioners appointed as aforesaid by any grand jury of any county to sell and dispose or to authorize the sale and disposal of any old court house or sessions house belonging to such county in which the assizes or sessions for such county have been discontinued or ceased to be held, together with the ground or site on which the same is built, according to the title or interest which such county may have in the same, and also to sell and dispose of or to authorize the sale and disposal of all or any part of the materials of which such old court house or sessions house may be composed; and the money arising therefrom shall be paid into the hands of the treasurer of such county, to the credit of such county, and applied to defray the purchase money of any premises required for the erection of any new court house, or to the erection of such new court house, or such other purposes as any other public money raised off such county and coming to the hands of such treasurer may be applied.

Sale of old court houses and sessions houses.

Proceeds to be applied to county purposes.

LXXVI. AND be it enacted, that it shall and may be lawful for the grand jury of any county at any assizes, without any previous application to presentment sessions, to present, to be levied off such county, such reasonable sum or

Presentment for fuel and light for court houses and sessions houses.

sums as they shall think proper for providing fuel or light for each and every or any court house or sessions house in or belonging to such county; provided that no sum so presented shall be paid by the treasurer of such county until the person, to whom any such sum so to be presented for fuel shall be payable under such presentment, shall produce to such treasurer an affidavit, sworn by him before the foreman of the grand jury at the last assizes for such county, stating that the sum required to be paid hath been duly expended in the purchase of fuel for the use of such court house or sessions house pursuant to such presentment, and that the whole of such fuel hath been consumed in the said court house or sessions house and for the use and benefit thereof, or, if any part of such fuel shall not have been consumed, stating how much thereof has been consumed, and that the residue then remains in safe keeping, to be applied to the use of the said court house or sessions house in like manner.

Presentment  
for rent of  
petty sessions  
rooms, &c.

LXXVII. AND be it enacted, that it shall be lawful for the grand jury of any county to present, for each of the places wherein petty sessions shall be appointed to be held, an annual sum not exceeding ten pounds, to be raised off such county, for the rent of a room or rooms for the holding of petty or special sessions thereat, and of a lock-up room or house, provided that such room or rooms shall not be in a house where spirituous or fermented liquors are sold, nor in any police barrack, nor in any other building maintained either wholly or in part at the public expense; and provided that whenever a public court house shall have been built and provided at any place so appointed, no such presentment shall be made, but the petty and special sessions shall be holden in such public court house, and not elsewhere: Provided also, that it shall be proved to the satisfaction of the county presentment sessions, where application shall be made for such rents, that six meetings of justices during the six months immediately preceding such application shall have been held in such room or rooms.

Grand juries  
may present  
sums not ex-  
ceeding 1,000/  
for surrenders  
of leases.

LXXVIII. AND whereas leases have been made from time to time of premises for the purpose of erecting court houses thereon, and for other public purposes, and it may be expedient to surrender such leases, and thereby relieve the county from the payment of an annual rent: Be it therefore enacted, that it shall be lawful for any grand jury, without any previous application to a presenting session, to present that any sum not exceeding one thousand pounds shall be raised off any county, and paid to the lessor in any lease of premises held for any public purposes, or the representatives of such lessor, as a consideration for accepting a surrender of such lease.

Presentment  
for session  
house keepers  
and inter-  
preters.

LXXIX. AND be it enacted, that it shall and may be lawful for the grand jury of any county to present, without any previous application at sessions, to be levied off such county, any sum not exceeding four pounds at each assizes as a salary or payment for the keeper of any sessions house belonging to such county where the general quarter sessions of the peace are held, and any sum not exceeding five pounds at each assizes for an interpreter at such assizes, if such payment shall be recommended by the court.

Presentment  
for gallows,  
milestones, &c.

LXXX. AND be it further enacted, that it shall be lawful for any grand jury as aforesaid to present, to be raised off the county at large, any sum or sums of money for making or repairing a gallows, or for bolts and shackles, not exceeding in the whole in any one year the sum of twenty pounds, and also for erecting or repairing direction posts, milestones, mileposts, or depôts

for materials, not exceeding one pound for each direction post, milestone, milepost, or depôt.

[LXXXI.] AND be it enacted, that where any fever hospital or dispensary for the purpose of furnishing medicine and affording medical and surgical aid to the poor of any city, town, or place in any county, is now or shall be hereafter established in such county by private subscriptions or donations, and a certificate of the sum or sums of money actually received by the treasurer of such fever hospital or dispensary from private subscription or donation since the last application to presentment sessions, or since the establishment of such fever hospital or dispensary, and a statement of the number of persons admitted or relieved, together with an account of the receipt and disbursement of all monies raised by virtue of any presentment for such fever hospital or dispensary, as well as of all monies actually received from private subscription or donation for the use of such fever hospital or dispensary since the date of such last application or establishment, shall have been laid before the presentment sessions ensuing the disbursement thereof, and such certificate and account, verified upon the oath of such treasurer, shall, together with the application for a presentment for such fever hospital or dispensary, have been allowed and approved of at such sessions, it shall be lawful for the grand jury of such county at any assizes, and they are hereby required, to present, to be raised off such county, in case of a fever hospital, a sum not exceeding double the amount, and in the case of a dispensary, a sum equal to the amount of such private subscriptions or donations so received, to be paid to the treasurer of such fever hospital or dispensary, and applied (under the direction of the subscribers of any annual sum of not less than one guinea, or such committee of them, not fewer in number than five, as they shall appoint for that purpose at any general meeting of such subscribers,) together with the monies received by private subscription and donation, in fitting up and supporting such fever hospital or dispensary, and in providing medicine and medical and surgical aid for the poor of such place and its neighbourhood: . . . . . provided also, that no such presentment shall be made unless it shall appear by the certificate of such treasurer, verified as aforesaid, that the medical attendant, if appointed after the passing of this Act, resided since the creation of such dispensary or hospital, or since the last assizes (as the case may be), at or within five statute miles of such dispensary or hospital; . . . . .

Presentment  
for support of  
fever hospitals  
and dispensa-  
ries established  
by subscription.

LXXXII. AND be it further enacted, that whenever it shall be made appear, by statement on oath to the grand jury of any county, that there has been actually received from private subscriptions or donations any sum or sums of money for the purpose of erecting any house to be applied to the reception of fever patients, and either connected with any local dispensary or not, as the case may happen, and upon a certificate by one or more physicians that there is a necessity for providing accommodation for such patients, it shall and may be lawful for such grand jury, and they are hereby required, to present, to be raised off such county, any sum not exceeding double the amount of the sum or sums so raised by donation or subscription, and actually received by the treasurer, to be applied, together with the monies so received

Presentment  
for erection of  
fever hospitals  
of a sum not  
exceeding  
double the  
amount of  
private sub-  
scriptions re-  
ceived for the  
purpose.

[\* Section 81 is rep., so far as it relates to presentments for dispensaries, Stat. Law Rev. Act, 1874.]

Presentment  
for support of  
fever hospital,  
&c. in Cork.

by private donation or subscription, in erecting such house for fever patients, in such manner as the subscribers of any sum not less than one guinea, or such committee of them, not fewer than five, as they shall appoint for that purpose at any general meeting of such subscribers, shall in their discretion deem most advisable: Provided always, that the affidavit and certificate herein mentioned shall, together with the application for such presentment, have also been laid before the presentment sessions and approved thereat: Provided also, that it shall and may be lawful for the grand juries of the county of Cork and county of the city of Cork respectively, if they shall think proper, to present for the support and maintenance of the fever hospital or house of industry or lunatic asylum in the city or county of Cork at any assizes any sum not exceeding the sum presented for the support or maintenance of such establishments respectively at any assizes during the last five years.

Presentment  
for support of  
county fever  
hospitals.

LXXXIII. AND be it enacted, that where any fever hospital has been or shall be established in and for any county, it shall and may be lawful for the grand jury of such county to present such sum or sums of money, not exceeding the sum of two hundred and fifty pounds at each assizes, as shall appear to be necessary for the support of any such county fever hospital; and such sum shall be raised off the county at large, and levied and applied accordingly: Provided always, that an account of the receipt and expenditure of such fever hospital, from the time of its establishment to the time of the first presentment required, and afterwards from the time of each presentment required till the time when any further presentment is required, shall, together with an application for the sum so proposed to be presented, be laid before the presentment sessions to be holden under this Act for the purpose of considering applications for presentments, and that such account and application shall be approved at such sessions.

Account of  
receipt and  
expenditure to  
be laid before  
presentment  
sessions.

Presentment  
for building  
or repairing  
county fever  
hospital.

LXXXIV. AND be it enacted, that it shall be lawful to and for the grand jury of any county in which a fever hospital shall not have been erected before the passing of this Act, or in which it shall be made appear to the satisfaction of the grand jury that any fever hospital requires to be enlarged, repaired, or rebuilt, to present at any assizes for such county any sum or sums of money for the purpose of erecting, establishing, hiring, repairing, and fitting up one fever hospital in any such county in which no such hospital shall have been previously established, or for the purpose of enlarging, repairing, or rebuilding any fever hospital which shall have been previously established, and to set forth in such presentment that the sum therein mentioned shall be raised and levied within the period of six years by half-yearly or yearly instalments, and also to set forth in such presentment what part thereof shall be raised upon any barony or baronies in any such county, or on the county at large; and that the treasurer of any such county shall from time to time, without further authority or presentment in that behalf, insert in his warrant at each assizes the portion or portions so set forth of the sum so presented, and the same shall be raised and levied in like manner from time to time, and with the like remedy in case of nonpayment, as all other money directed by such warrant is by law to be levied; and when and so soon as such presentment shall have been duly certified by the acting clerk of the crown to the lord lieutenant of Ireland, it shall and may be lawful to and for such lord lieutenant to direct the

On presentment  
being certified  
to lord lieu-  
tenant, he may

amount of such sum of money so presented, or any part thereof, to be advanced out of the growing produce of the consolidated fund in Ireland to the treasurer of such county, to be applied for the purposes for which such presentment shall have been made, under such rules and regulations as to such lord lieutenant shall seem fitting and expedient; and such money so advanced and paid by such treasurer shall be accounted for by him in like manner as any other monies received by him for the use of such county, and all securities given by him or in his behalf shall extend to such money; and such treasurer shall from time to time pay to such bank or person as the lords commissioners of the Treasury shall direct all such sums as shall from time to time be received by him from the baronial or other collectors by virtue of the presentment on account of which such money shall have been advanced, until the whole sum advanced shall be repaid.

direct advance of money to county treasurer out of consolidated fund.

Treasurer to repay money so advanced.

LXXXV. AND be it enacted, that it shall be lawful for the grand jury of any county at each assizes to present to be raised off such county (whether there be or be not any special provision in any Act of Parliament relative thereto) a sum not exceeding seven hundred pounds, to be paid to the treasurer of the infirmary of such county, and applied to the support and maintenance of such infirmary: Provided always, that, together with an application for such presentment, a certificate under the hand of the physician or surgeon of such infirmary, stating the number and names of patients, as well extern as intern, received and relieved since the preceding application, and also a true debtor and creditor account of the funds and expenses thereof, commencing from the time of the preceding application, attested by the signature of the treasurer of such infirmary, shall have been laid before the presentment sessions, and that such application and account shall have been approved of thereat.

Presentment for support of county infirmary.

LXXXVI. AND be it enacted, that it shall and may be lawful for the grand jury of any county to present at each assizes any sum not exceeding forty-seven pounds, to be raised off such county, and paid to the surgeon or surgeons of the infirmary thereof: Provided always, that no such presentment shall be made unless, together with an application therefor, a certificate signed by the governors of such infirmary or hospital, or by five of them at the least, shall be laid before the presentment sessions, which certificate shall state that the surgeon or surgeons, for whom such sum is requested to be presented, hath or have resided at or within one mile of such infirmary, and duly and faithfully executed his or their duty as surgeon of such infirmary or hospital, and diligently complied with the rules and regulations of the governors of such infirmary, since the date of the last application, nor unless a true copy (certified under the hand of the treasurer of such infirmary or hospital) of the letters testimonial from the college of surgeons in Ireland by law required to be obtained by every such surgeon shall be laid before the special sessions next after his appointment to his office, nor unless such surgeon shall have given his attendance and professional assistance, without any other or further fee or reward, to the prisoners and others in the gaol of the county to the infirmary of which he has been appointed surgeon, if such gaol is situate within five miles of such infirmary; and provided also, that no surgeon or medical attendant hereafter appointed shall be qualified to act as surgeon of any infirmary or dispensary until he shall have signed and

Presentment for salary of surgeon of county infirmary.

Declaration to be signed by surgeon of infirmary, &c.

deposited with the secretary of the grand jury a declaration in the form in the schedule (R.) to this Act annexed.

Penalty for giving or promising any money, &c. to obtain the appointment to any office or employment, under this Act.

Persons appointed to any such office to subscribe a declaration at the next assizes, which shall be preserved.

LXXXVII. AND be it further enacted, that if any person shall at any time after the passing of this Act, by himself, his friends, or agents, directly or indirectly give or promise to give any money, or any security for money, or other consideration, to any person or persons, in order to procure the appointment to the office of treasurer, clerk of the peace, secretary of the grand jury, surveyor, or any other office or employment in this Act mentioned, or in order to procure the resignation of any person or persons holding such office, or in order to influence the votes of the persons who may have the appointment to such office, he shall be incapable of holding any such office or employment, and shall forfeit for every such offence a sum of one hundred pounds to any person who will sue for the same; and such sum may be recovered by civil bill before the assistant barrister, or by action in any of the superior courts; and every person appointed to any of such offices at any time after the passing of this Act shall, at the assizes next after his appointment, subscribe in open court before the foreman of the grand jury and deliver to him a declaration in the form in the schedule (T.) to this Act annexed, and the same shall be preserved by the clerk of the crown among the records of the county; and no presentment shall be made for any salary to any such officer until he shall have so subscribed and delivered such declaration.

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Presentment to repay advances ordered by lord lieutenant for payment of expenses of a board of health.

XC. AND be it enacted, that whenever the lord lieutenant of Ireland shall at any time have ordered any sum or sums of money to be advanced out of the consolidated fund for the payment of the expenses incurred by any commissioners appointed by such lord lieutenant or other chief governor or governors to form a board of health in any city, town, or district, it shall be lawful for the grand jury of any county in which such expense shall be or have been incurred, and they are hereby required, to present, without previous application to presentment sessions, all sums so advanced, to be raised off such county: Provided always, however, that it shall be lawful for the lords commissioners of his Majesty's Treasury, if they shall think fit, to direct that such sum shall be repaid by such instalments as they may think proper.

Presentment for erecting, &c. district lunatic asylum.

1 & 2 Geo. 4. c. 38.

XCI. AND be it enacted, that at any time after any order in council shall be made by the lord lieutenant of Ireland by and with the advice of his Majesty's privy council in Ireland, under and by virtue of the provisions of an Act passed in the first and second years of the reign of his late Majesty King George the Fourth, intituled "An Act to make more effectual provision for the establishment of asylums for the lunatic poor, and for the custody of insane persons charged with offences, in Ireland," or any Act or Acts amending the same, and after such order shall have been published in the Dublin Gazette, it shall and may be lawful for the grand jury of any county within any district appointed under the said recited Act to present at any assizes such sum or sums of money to be raised off such county as shall be requisite for defraying the expenses of erecting and establishing an asylum for the lunatic poor for such district, or any proportion thereof, ascertained by any order made by the said lord lieutenant and privy council.

XCII. AND be it enacted, that it shall and may be lawful for the grand jury of any county, within any district for which a lunatic asylum is now or shall at any time hereafter be built and established under the provisions of the said last-recited Act, to present at each assizes, to be levied off such county, such sum or sums of money as shall be necessary for the expenses of supporting, supplying, and maintaining any such asylum, or the officers thereof, or the patients therein, or any proportion of such expenses, ascertained by order of the said lord lieutenant and privy council.

Presentment  
for support of  
district lunatic  
asylum.

XCIII. AND be it enacted, that whenever the lord lieutenant of Ireland, by and with the advice of his Majesty's privy council in Ireland, shall, under the provisions of the said last-recited Act or any Act amending the same, have ordered and directed any sum or sums of money to be advanced, issued, and paid out of the growing produce of the consolidated fund arising in Ireland, for the purpose of erecting and establishing, opening, carrying on, maintaining, or supporting any such asylum, the grand jury of every county within the district in and for which such asylum shall be erected and established, shall and they are hereby required (after any such asylum shall be fit for the reception of such lunatic poor) to present at each assizes, without any previous application at presentment sessions, such sum or sums of money to be levied off such county as shall be necessary for the repayment of any such sum or sums so advanced, or any part thereof, at such times and in such proportions as shall be directed and ascertained by any order or orders to be made by such lord lieutenant in council as aforesaid.

Presentment  
for repaying  
advances from  
consolidated  
fund for erect-  
ing and sup-  
porting a dis-  
trict lunatic  
asylum.

XCIV. AND be it further enacted, that in each and every case when the commissioners appointed for general control and correspondence, and for the superintending and directing the erection, establishment, and regulation of district lunatic asylums, shall have rented or purchased any houses, buildings, lands, tenements, or hereditaments, on the site or sites of which it shall be proposed to erect or maintain any such asylum, it shall be lawful for the grand jury of any county in or for which wholly or in part any such asylum hath been or shall be established, and such grand jury are hereby required, at the assizes next ensuing the day or time when such purchase shall be made or such rent shall become due, or as soon after as shall be requisite, and so from time to time whenever the case shall happen, to present, without previous application to presentment sessions, to be levied off such county, such sum or sums of money as they shall be directed to present by the lord lieutenant of Ireland in council as aforesaid for the purpose of completing such purchase or paying such rent or rents.

Presentment  
for purchase  
money or rent  
of site of dis-  
trict lunatic  
asylum.

\* \* \* \* \*

XCVL. AND be it enacted, that it shall and may be lawful for the grand jury of any county in which any diocesan school or district school, or the site appointed for the same, shall be situate, to present, to be levied off such county, any sum or sums which they shall think proper for purchasing, providing, building, or repairing any such schoolhouse, or a dwelling house for the master thereof, or any of the offices or appurtenances properly belonging to such schoolhouse or dwelling house, or for purchasing or procuring a site for the same, not exceeding the quantity of two plantation acres: Provided always, that whenever any grand jury shall make such presentment for any schoolhouse or dwelling house as and for the schoolhouse of the diocese only

Presentment  
for building,  
&c. diocesan  
schools and  
school houses.



53 Geo. 3.  
c. 107.

within which such county shall be situate, or as and for the dwelling house of the schoolmaster of such diocesan school only, such diocese shall not be or remain united to or with any other diocese under any of the provisions of an Act passed in the fifty-third year of his Majesty King George the Third, intituled "An Act for the appointment of commissioners for the regulation of " the several endowed schools of public and private foundations in Ireland," but such diocesan school shall be supported within its proper diocese only, and the money raised in such diocese shall be applied solely and entirely to the use of such diocesan school, and not to any district school or other school out of such diocese.

Presentment  
for coroners.

[XCVII.<sup>a</sup>] AND be it enacted, that it shall be lawful for the grand jury of any county at each assizes to present any sum not exceeding in the whole ~~£~~ sum after the rate of thirty pounds for each and every coroner in such county according to the schedule (S.) hereunto annexed, to be levied off such county or any barony therein as such grand jury shall think advisable; and such grand jury shall apportion the whole of such sum so presented among the several coroners of such county according to the number of inquests which may appear to have been respectively held upon the body of any person by each of such coroners since the date of the last application for a presentment;

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Presentment  
of money for  
constabulary  
force.

CI. AND be it enacted, that it shall be lawful for the grand jury of each county at each assizes, and they are hereby required, to present, to be levied off such county, or off any barony or half barony, (as the case may be,) all and every such sum or sums of money as may be chargeable upon and directed to be presented and levied off such county, barony or half barony, by and under the provisions of an Act passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled "An Act to provide for the better execution of the laws in Ireland, by appointing superintending magistrates and additional " constables in certain cases," or any Act amending the same, or an Act passed in the third year of the reign of his late Majesty King George the Fourth, intituled "An Act " for the appointment of constables, and to secure the effectual performance of the " duties of their office, and for the appointment of magistrates, in certain cases," or any Act amending the same, or [Rep., Stat. Law Rev. Act, 1874.] any Act passed or to be passed in this present session of Parliament to consolidate the laws relating to the constabulary force in Ireland; and every such presentment shall be made without any previous application to presentment sessions, and in all respects pursuant to the regulations of the said Acts, or such of them as may be applicable to the case; and the money levied under every such presentment shall be paid over in such manner, and to such bank or person, as the lords commissioners of his Majesty's Treasury or any three or more of them shall direct, save and except in the case of the superannuations herein-after and by the said Acts or any of them directed to be paid to the parties entitled to the same.

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Payment of  
and present-  
ment for ex-  
penses of pro-  
secutors and  
witnesses in  
cases of felony.

CV. AND be it enacted, that where any person shall have been tried for any felony whatsoever it shall be lawful for the court before whom such person shall have been tried, in case it shall appear that there was a reasonable

[\* So much of this Act as relates to the payment of coroners, rep., 9 & 10 Vict. c. 37. s. 1.]

ground of prosecution, to order the treasurer of the county in which the offence shall have been or shall have been alleged to have been committed, to pay to the prosecutor, upon his application, such sum of money as to such court shall seem reasonable, not exceeding the expenses which it shall appear to the court that such prosecutor may have bonâ fide incurred in carrying on such prosecution; and in case such prosecutor shall appear to the court to be in poor circumstances, such court may make a further reasonable allowance to such prosecutor for trouble and loss of time, which order the clerk of the crown or clerk of the peace respectively is hereby directed and required forthwith to make out and deliver to such prosecutor without fee or reward; and when any person shall appear on recognizance or subpœna to give evidence as to any felony whatsoever, whether the prosecution of such felony be commenced or carried on by or under the direction of any law officer of the crown or any other person, it shall be lawful for the court before which such person shall appear, whether any bill of indictment be preferred or not to any grand jury, in case such person shall bonâ fide have attended in obedience to such recognizance or subpœna, to order the treasurer of the county in which the offence shall have been or shall have been supposed to have been committed, to pay unto such person such sum of money as shall seem reasonable, not exceeding the expenses which it shall appear that such person has bonâ fide incurred by reason of the said recognizance or subpœna; and in case such person shall appear to be in poor circumstances such court may make a further reasonable allowance to such person for trouble and loss of time; which order the clerk of the crown or the clerk of the peace respectively is hereby directed and required forthwith to make out and deliver to such person; and such treasurer is hereby authorized and required, out of any public money in his hands, forthwith to pay to any such prosecutor or witness respectively, or to any person by him or her authorized, any such sum of money so ordered, and such treasurer shall be allowed the same in his accounts; and the grand jury of such county shall at each assizes present all sums so paid to such prosecutors and witnesses respectively, to be raised either off the county at large or upon any barony thereof, as to such grand jury shall seem fit; and such presentment may be made without any previous application to presentment sessions.

CVI. AND be it enacted, that if it shall appear that any person, having given information or evidence against any person or persons charged with any offence against the public peace, shall have been murdered or maimed previous to the trial of the person or persons accused by such information or evidence, or of any of them, or on account of any such evidence given, or that any magistrate or other peace officer shall be murdered or maimed on account of his exertions as such magistrate or peace officer to bring disturbers of the public peace to justice, it shall and may be lawful to and for the grand jury of the county within which such murder or maiming shall have been committed respectively, to present such sum or sums of money as they shall think just and reasonable to be paid to the personal representative of such witness, magistrate, or peace officer so murdered, or to such witness, magistrate, or peace officer so maimed, having regard to the rank, degree, situation, and circumstances of such witness, magistrate, or peace officer; such money to be

Presentment for compensation to representatives of persons murdered, and to persons maimed, in certain cases.

raised off the county at large or the barony in which such murder or maiming shall respectively have been perpetrated, at the discretion of such grand jury.

Presentment  
for rewards to  
prosecutors of  
felons, &c.

CVII. AND be it enacted, that it shall and may be lawful for the grand jury of any county at any assizes, if they shall think fit, to present, without any previous application at sessions, any sum of money not exceeding the sum of twenty pounds for each and every person who shall apprehend and prosecute to conviction any person guilty of any murder, and any sum not exceeding ten pounds for each and every person who shall apprehend and prosecute to conviction any person guilty of any other capital felony or misdemeanor for which any person on conviction may be liable to be transported; such sum or sums to be raised off such county or any barony thereof as such grand jury shall think proper, and to be paid to any prosecutor or prosecutors of such offenders as aforesaid; and such presentment may be made during the time appointed for transacting the criminal business of such county.

Presentment  
for expense  
of removing  
offenders.

CVIII. AND be it enacted, that the grand jury of any county where any offence shall have been committed, shall present, to be levied off such county, the expenses attending the removal thereto of any prisoner apprehended according to law in any other part of the United Kingdom; provided that, with an application by the treasurer of the county to the next county presentment sessions after such expenses shall have been repaid by him, there shall be laid by such treasurer before such sessions the account or accounts of such expenses, verified as by law required, upon which he shall have repaid the same, and that such application and account shall be approved at such sessions.

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Payment of  
and present-  
ment for  
salaries of  
county officers,  
&c.

CX. AND be it enacted, that all county treasurers, clerks of the crown, clerks of the peace, secretaries to grand juries, sheriffs, medical officers of prisons, and all other officers and persons mentioned and specified in the schedule marked (S.) to this Act annexed, shall from and after the passing of this Act be paid and remunerated for their respective duties, services, and expenses by annual salaries only, payable half-yearly at each assizes by equal moieties, and not exceeding the amount mentioned in the said schedule; and the grand jury at any assizes shall and may present (without previous application to presentment sessions) for each such officer, to be raised off the county at large, the moiety of such annual salary: Provided always, that in case of any negligent or insufficient discharge of duty by any such officer or officers it shall and may be lawful to and for any grand jury, with the express sanction of the court, but not otherwise, to present any sum or sums less in the whole than the moiety of the annual salary by this Act specified to be paid to any such officer or officers, or to withhold and refuse to make any presentment whatever for any such officer or officers; and that such officer shall not be entitled to receive any payment for any service or duty performed at an adjourned assizes.

No present-  
ment for salary  
to a county  
treasurer to be  
fiated without  
certain certi-  
ficates.

CXI. AND be it enacted, that no presentment for any salary to any treasurer of any county shall be fiated by any court or judge unless there shall be previously produced to such court or judge by the acting clerk of the crown either a certificate signed by the proper officer of the Court of Exchequer in Ireland stating that such treasurer has duly given and entered into

the recognizances now required of him by law, and that such recognizances have been duly deposited and entered or recorded in such court, and the dates thereof, and the names of the respective sureties therein, and the sums for which such sureties were severally bound, or else a certificate signed by the accountant general of the Court of Chancery, that such sum of money as shall be equal to the amount of security required to be given by such treasurer, has been duly invested as by law required, and a certificate or receipt that he has duly paid all instalments to the public boards which have been presented at the previous assizes, and that his accounts have been duly audited by the grand jury.

CXII. AND be it enacted, that before any clerk of the crown or clerk of the peace shall be entitled to receive such salary as is hereby provided, he shall at each assizes lay before the grand jury an account, verified on oath, and sworn and read in open court, setting forth the total amount of his fees and other emoluments, and distinguishing the several sums paid and received under each separate head of service, and the rates of fees or remunerations received on each; and it shall not be lawful for any grand jury to present to be paid to any clerk of the peace, unless it shall appear to them that he has given security by recognizance in the sum of one thousand pounds for the due and faithful execution of his office of clerk of the peace, and that such recognizances have been duly deposited or recorded.

Affidavit of emoluments to be made by clerk of the crown and clerk of the peace.

Recognizance to be entered into by clerk of the peace.

CXIII. AND be it enacted, that in any county wherein a special commission shall be held for the trial of offenders, the grand jury at the assizes next immediately ensuing shall and may (without previous application to presentment sessions) make a further presentment for the clerks of the crown, sheriffs, and judge's crier, not exceeding one fourth of their annual salary, subject nevertheless to the like direction as herein-before given to any grand jury in case of neglect or insufficient discharge of duty by any officer.

Further presentment for clerk of the crown and other officers where a special commission has been held.

CXIV. AND be it enacted, that the presentments to be made under this Act for the secretaries to the several grand juries shall be in full acquittance of all demands to be made by such secretaries for stationery, which such secretaries shall be bound to furnish to the several grand juries without further charge, not however including the expense of printing herein specially provided for.

Presentments for secretaries to grand juries shall include stationery.

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CXVI. AND be it enacted, that it shall and may be lawful for the grand jury of any county, and they are hereby required, to present, to be raised off such county, the expense of providing and transmitting such copies of the imperial standard weights and measures, and the stamps to be used by the inspectors of weights and measures, and such remunerations to inspectors, as they are respectively directed to provide and transmit under and by virtue of an Act passed in the fifth and sixth years of the reign of his present Majesty, intituled "An Act to repeal an Act of the fourth and fifth years of his present Majesty, relating to weights and measures, and to make other provisions instead thereof."

Presentment for copies of weights and measures, and for stamps, and remuneration of inspectors.

5 & 6 Will. 4. c. 63.

CXVII. AND be it enacted, that it shall and may be lawful for the grand jury of any county to present, to be levied off such county, such sum or sums of money as may be necessary or shall have been expended for or in suing any treasurer, high constable, or collector of any public money, or any of their sureties, executors, or administrators, for any misconduct, breach of duty, or nonpayment, or for recovering any public money from any treasurer, high

Presentment for expenses of suing treasurers, and contractors, &c.

Taxed bill of costs to be laid before sessions, &c.

constable, or collector, or their sureties, executors, or administrators, or for suing any contractor under this Act, or under any Act in force in Ireland at the time of the passing of this Act, his sureties, executors, or administrators, for any breach of contract; provided that no such presentment shall be made unless, together with the application therefor at presentment sessions, there shall have been laid before such sessions a bill, duly taxed and certified by the proper taxing officer, of the costs incurred for any of the purposes aforesaid for which such presentment shall be required, nor unless it shall be proved that such costs could not be recovered from the person sued, or any other person liable to pay the same, and that the proceeding was instituted by the direction of a grand jury.

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Presentment for trackways on banks of navigable rivers.

CXIX. AND be it enacted, that it shall and may be lawful for the grand jury of any county to present at any assizes such sum or sums of money as may be necessary to repair or widen to any width not exceeding fifteen feet any towing path and trackway on the bank of any navigable river on which boats have been accustomed to be towed by horses, to be levied off the barony or baronies in which such towing path and trackway are locally situate [Rep., Stat. Law Rev. Act, 1874.]: Provided always, that nothing herein contained shall extend to the repairing or widening of the towing paths or trackways of canals or rivers whereon tolls are paid or payable.

Owners of ferries may erect bridges and take tolls, which shall be recoverable under Irish Act, 30 Geo. 3. c. 31.

CXX. AND be it enacted, that it shall be lawful for any person or persons who now have or hereafter shall have any ferry over a river (except in cities and towns corporate), to erect and support a bridge at his or their own expense over such river in the place of such ferry, and to take and receive for passing such bridge such toll, and no more, as they are entitled to receive for passing such ferry, so as that such bridge shall not obstruct the navigation of such river; and that such tolls shall be recoverable in the like manner, and under such penalties for refusing or evading to pay the same by any justice of the peace, as is prescribed by an Act passed in the Parliament of Ireland in the thirtieth year of the reign of his Majesty King George the Third, intituled "An Act for the building a bridge over the river Loughfoyle in the city of Londonderry, and the suburbs thereof"; and that it shall be lawful for any grand jury, upon an application made and approved of in manner by this Act directed, to make presentment for the purchase of the properties in any such bridges or ferries, in order to open the same, free of tolls, for the benefit of the public.

Presentment for purchase of the property in such bridges, &c. in order to open them toll-free.

Grand juries may redeem tolls payable on bridges built under Irish Act 19 & 20 Geo. 3. c. 41. and 53 Geo. 3. c. 77.

CXXI. AND be it enacted, that at any time after the completing and opening of any bridge built in pursuance of an Act passed in the Parliament of Ireland in the nineteenth and twentieth years of the reign of his Majesty King George the Third, intituled "An Act for empowering grand juries to present bridges and tolls to be paid for passing the same in certain cases," and of an Act passed in the fifty-third year of the reign of his said Majesty King George the Third, amending the same, it shall and may be lawful for the grand jury of the county in which such bridge shall be situate, or, if situate in two counties, then for the grand juries of such counties, to redeem the tolls payable under the said Acts to the owner or owners of the said tolls, by paying in one sum to such owner or owners the original sum expended in building such bridge, with any deficiency of interest which may arise in case by the perception of the said tolls the said owner or owners shall not

have received, above all necessary costs and charges of repair and collection of the said tolls, the legal interest at the least for the money originally expended in building and erecting such bridge; and on such payment of the original sum so expended, and of such deficiency, if any there shall be, then the said tolls shall cease, and the passage of such bridge shall be open and free to all cattle, carriages, and persons whatsoever; and such grand jury is hereby empowered, upon an application made and approved of in manner by this Act directed, to raise by presentment, to be levied off the county at large, such sum or sums of money as may be sufficient to defray the expenses of redeeming such tolls in manner aforesaid; such sum or sums to be paid to the owner or owners of such tolls.

Presentment of sums necessary to redeem tolls.

CXXII. AND be it enacted, that nothing herein contained shall be construed to limit or affect the power or duties of any grand jury to make any presentment which they are authorized or required to make under and by virtue of an Act passed in the fourth and fifth years of the reign of his present Majesty, intituled "An Act for the more effectually providing for the erection of " certain bridges in Ireland"; provided that no previous application or approval at presentment sessions under the provisions of this Act shall be necessary to authorize any such presentment.

Act not to affect presentments under 4 & 5 Will. 4. c. 61.;

CXXIII. AND be it enacted, that nothing in this Act contained shall limit or affect the authority of grand juries to make presentment for clearing, sinking, embanking, or altering the course of any river or stream pursuant to the provisions of an Act passed in the first and second year of his present Majesty, intituled "An Act to empower landed proprietors in Ireland to sink, " embank, and remove obstructions in rivers"; provided that an application for such presentment, in the form prescribed by the said recited Act, shall have been previously made and approved, in the manner herein-before appointed, at the presentment sessions holden for the barony where the work to which such application may refer shall be locally situate.

nor presentments for clearing, &c. rivers under 1 & 2 Will. 4. c. 57., if previously applied for and approved at baronial presentment sessions;

CXXIV. AND be it enacted, that nothing in this Act contained shall be construed to limit or affect the powers, duties, or authorities of grand juries to make any presentments which they are authorized or required to make under and by virtue of an Act passed in the seventh year of the reign of his late Majesty, intituled "An Act for consolidating and amending the laws " relating to prisons in Ireland": Provided always, that it shall not be lawful for any grand jury to make any presentment under the provisions of the said recited Act for any salary or compensation to any keeper, turnkey, or matron of any gaol, penitentiary, bridewell, or house of correction, or for building, rebuilding, altering, enlarging, or repairing any gaol, bridewell, house of correction, or other prison, (except in the case of repairs made under the provisions of the said recited Act, in consequence of any fire or other sudden accident which may happen to any such gaol, bridewell, house of correction, or other prison,) unless application for such presentment shall have been made and approved at presentment sessions in the manner herein-before directed and provided: Provided also, that all contracts which any grand jury is authorized to make or enter into under the provisions of the said recited Act shall be made by sealed tenders and proposals, to be delivered, opened, and dealt with, and security to be taken, in like manner as herein-before provided with respect to other contracts for public works, anything in the

Presentments and contracts in respect of prisons under 7 Geo. 4. c. 74.

said recited Act to the contrary notwithstanding: Provided also, that no such contract shall be entered into, nor any presentment made thereupon, save upon and after an application made and approved at presentment sessions as herein-before directed.

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Presentments  
for public  
works under  
1 & 2 Will. 4.  
c. 33., &c.

CXXVI. AND be it enacted, that nothing in this Act contained shall limit or affect the powers, duties, or authorities of grand juries to make presentments for any public work or for the raising of any public money for which they are now or hereafter may be authorized or required to make presentment by virtue and pursuant to the provisions of an Act passed in the first and second years of his present Majesty's reign, intituled "An Act for the extension and promotion of public works in Ireland," or any other Act amending or altering the same; and wherever in and by the said recited or other Act grand juries are empowered to make presentments in order to obtain advances, loans, or grants from the commissioners for the execution of the said recited or other Act for the purpose of any public work which, under the laws in force at the time of the passing of such Act, it was competent for grand juries to present, they are hereby authorized and empowered to make similar presentments in all respects and for like purposes for any public work which they are under the provisions of this Act authorized to present, and such presentments when made shall be dealt with by the said commissioners in all respects as the presentments which grand juries were empowered to make in order to obtain advances, loans, or grants under the provisions of the said recited Act: Provided always, that no presentation shall be made for the purpose of obtaining any grant, loan, or advance of money from the commissioners for the execution of the said recited or other Act, unless an application shall have been duly made and approved at the proper presentment sessions in the manner herein-before appointed; and all works so applied for (except in the case of works to be constructed or executed under the direction of or by persons in the employment of the said commissioners) shall be executed by contract made upon sealed tenders and proposals in the manner herein-before prescribed with respect to other public works to be executed by grand jury presentments; and in all other respects the said recited Act or Acts, and all powers, authorities, conditions, clauses, and regulations therein contained, shall be and remain in full force and effect, anything herein contained to the contrary notwithstanding.

All presentments shall contain a reference to the chapter and section of the Act under which they are made, &c.

CXXVII. AND be it enacted, that on the face of every presentment for the levying of any public money whatsoever the year of the King's reign, and the chapter and section of the Act of Parliament (as printed by the King's printer) under which such presentment is authorized to be made and fiated, shall be inserted; and every such presentment shall be entered in the county book and in all the schedules of presentment, with a marginal note of such Acts in manner aforesaid; and the title of the Act so referred to shall be inserted at the end of all such schedules, in default of which it shall not be lawful to present for printing the same; and all presentments not made according to the directions foregoing shall be null and void.

Advances may be made to contractors in certain cases

CXXVIII. AND be it enacted, that in cases where the cost of executing any public work shall exceed twenty pounds, it shall be lawful for the grand jury, at the time of presenting for the work, to authorize the treasurer of

the county, from and out of any funds in his hands applicable to the purpose, to advance from time to time during the execution of the work to the contractor, upon his application, any sum not exceeding in the whole three fourths of the cost of such work; provided that no such advances shall be made by such treasurer, unless such application shall be accompanied by a certificate attached thereto, and signed by the county surveyor, that more than the sum applied for by such contractor, in addition to any previous advances made by him for such work, has been fairly and honestly expended upon it conformably to the contract.

not exceeding three fourths of the cost of the work.

CXXIX. AND be it enacted, that all contractors under this Act shall be liable to be summoned before the justices assembled at any petty sessions, on complaint of the party aggrieved, for recovery of any wages or money payable to any person employed by them in the execution of such works, so as the sum demanded do not exceed six pounds; and such justices assembled as aforesaid are hereby authorized and required to hear such complaint and adjudicate thereon; and it shall be no defence to such complaint that such contractor has not himself received any payment upon foot of his contract; and the decision of such justices shall be final; and the sum adjudged to be due shall be levied by warrant of distress, under hand and seal of any two such justices, off the goods and chattels of such contractor.

Contractors may be summoned before justices at petty sessions for wages.

CXXX. AND be it enacted, that every person who may contract for the execution of any work under this Act shall, on the completion of the work for which he may have contracted, or whensoever by the terms of such contract he may be entitled to payment, give notice to the surveyor of the county, ten days at the least before the day appointed for the holding of the first presentment sessions in the county after every assizes or presenting term, of his intention to make application as herein-after provided, and require of such surveyor a certificate of the due execution of such work or performance of such contract; and such contractor shall lodge with the secretary of the grand jury, within the period herein-before limited for the lodgment of notices of applications for presentments for public works, a notice of his intention to apply for payment of the sum contracted for by him, together with such certificates to be obtained from the said surveyor; and the secretary to the grand jury shall arrange, in like manner as he has been herein-before directed to arrange applications for presentments, all such notices and certificates, and annex to each the number by which the contract in respect whereof such notice or certificate may be given is distinguished in the book of abstracts which such secretary has been herein-before directed to keep, and indorse on such notice and certificate the date of the lodgment of the same; and such secretary shall lay all such notices and certificates, with an abstract thereof and index thereto, before the presentment sessions to be holden for the barony or one of the baronies, or the county of a city or county of a town, in which such work shall have been executed; and the justices and cess payers at such sessions shall examine into all such applications for payment on the part of such contractors, and inspect the notices thereof, and the certificates aforesaid, and examine the surveyor or surveyors, and all other persons whom they may think it necessary to examine for the purpose of ascertaining the due execution of the work or matter contracted for, and shall therein have and exercise all such powers

Contractors to procure certificate from county surveyor of the completion of their work, and lodge the same, and notice of application for payment, with secretary of grand jury.

Secretary shall lay notices, &c. before presentment sessions, who shall approve or disapprove the applications.



Applications approved to be allowed or disallowed by grand jury at their discretion.

and authorities as in the case of applications for presentments, and in like manner determine and decide upon all such applications for payment by majority of votes; and the chairman at such sessions shall on every application which may be approved endorse the word "allowed," and on every application which shall not be approved he shall endorse the word "disallowed," and the reason of such disallowance, and a note of or reference to the particulars of the execution of the work which may have caused such disallowance; and all such applications, with the notices and certificates thereto belonging, shall be delivered to the secretary of the grand jury, to be laid before them at the next ensuing assizes, and such grand jury shall take such applications as have been approved into consideration, and allow or disallow the same according to their discretion; but it shall not be lawful for such grand jury or for the court to allow any application which shall not have been approved of at such sessions; and no such contractor shall be entitled to payment who shall not have given such notice and made such application, nor unless such application shall have been approved and allowed as aforesaid; anything in any contract contained, or any law or usage, to the contrary notwithstanding.

Contractors for printing to obtain certificate of clerk of the peace, &c.

CXXXI. PROVIDED, and be it enacted, that every person who may contract with any grand jury for any county printing, shall, instead of the certificate of the county surveyor, obtain a certificate from the clerk of the peace, the secretary of the grand jury, and the county treasurer, of the proper execution of such printing for their respective offices, and the performance of such contract; and such person shall lodge such certificate, and apply for payment of the sum contracted for by him, in all respects as herein-before provided as to contracts for public works; provided that such application may be made by himself alone.

Treasurer not to pay if application traversed, &c.

CXXXII. AND be it enacted, that it shall not be lawful for the treasurer of any county to pay any money which may be applied for by any contractor or other person, the application wherefor has been traversed, unless such traverse shall be withdrawn, or judgment given for the defendant on the trial thereof.

Traverses of presentments and applications for payment.

CXXXIII. AND be it enacted, that it shall be lawful for any person paying grand jury cess for any county to traverse any presentment made under this Act by the grand jury of any such county, and also to traverse the application of such contractor under this Act for payment, on the ground of such contractor not having complied with the terms of his agreement or with the provisions of this Act; and the court at each assizes is hereby authorized and required to try the truth of the fact by a jury in the same manner as any traverse within the jurisdiction of the court ought to be tried; and it shall not be lawful for the clerk of the crown or clerk of the peace to take any fee for or in respect of such traverse, and costs shall be paid by the party against whom such traverse shall be found; provided that although there shall be a verdict against such traverse, yet if the court shall be of opinion that there was reasonable and probable ground for traversing such presentment or the application of such contractor, the costs shall be paid by the treasurer of the county from and out of the county monies in his hands, and the grand jury shall present the same without previous application to presentment sessions: Provided always, that every person intending to traverse any presentment or payment for which it is by this Act required that application shall be made

at the presentment sessions, shall give notice in writing of such intention to the secretary of the grand jury within two days after the first day of such sessions; and the same or any other presentment shall be traversed only at the assizes at which the presentment shall be made or payment required.

CXXXIV. AND be it enacted, that it shall be lawful for any occupier or owner of the ground through which any new road is to be made, or into which any old road is to be widened, to traverse the presentment for the same for damages at such assizes as aforesaid, having given like notice to the chairman of the presentment sessions and to the secretary of the grand jury, previous to the commencement of such assizes, of the amount of damage intended to be claimed; which traverse or traverses shall be tried then or at the ensuing assizes, upon the entry in the crown book of the presentment and traverse, without making up any record; and the jury which shall try such traverse shall be sworn true verdict to give whether any and what damages will occur thereby to the traverser, taking into consideration any collateral advantages which may result or accrue to such traverser by reason thereof, and making abatement accordingly; and it shall be lawful for the grand jury to present, without previous application at presenting sessions, such sum or sums of money so found for damages, to be raised off the county or off the barony respectively in which the traverser shall have made it appear that he or she sustained the damages, and to such latter presentment no traverse shall be allowed or received; and upon the damages so found being presented for the use of such traverser, or deposited for his or their use with the treasurer of the county, it shall be lawful for the contractor to proceed in the execution of the presentment without the interruption of any person.

Traverses of presentments for damages by making of new road, &c. to be tried by a jury.

Presentment of sums found by jury.

CXXXV. AND be it enacted, that from and after the commencement of this Act, in all cases of maliciously or wantonly setting fire to, burning, or destroying any house, outhouse, or other building, or any haggard, corn, hay, straw, or turf, or of maliciously setting fire to, burning, or sinking any boat or barge laden with corn or other provisions, or of maliciously killing, maiming, houghing, or injuring any horse, mule, ass, or swine, or any horned cattle or sheep, or of maliciously damaging, injuring, or destroying any bank, gate, lock, weir, sluice, bridge, dam, or other work, belonging to any person, public canal or navigation, any person or persons injured by any such offence, and intending to apply for compensation for any loss or damage sustained thereby, shall serve notice in writing of such injury and of such his or their intention upon the high constable of the barony and the churchwardens of the parish, and at the nearest police station, or, if there be no churchwarden, upon two of the principal inhabitants of the parish wherein such offence shall have been committed, within six days at least after the commission of the same, and shall lodge with the high constable or secretary of the grand jury, in like manner and time as applications for presentments for public works are herein-before directed to be lodged, an application setting forth the loss or damage occasioned by such offence, and stating the time and place when and where such injury was done, the particular property consumed, injured, or destroyed, and the amount of damage thereby sustained, and by what number of persons, and whom, by name and description, such injury was done, if such offender or offenders shall be known, and if not, stating such particulars respecting such offender or offenders as may be known; and like notices

Mode of application for and presentment of compensation for malicious injuries.

shall be posted of such application as herein-before prescribed in cases of other applications to presentment sessions; and such application shall be scheduled by the secretary of the grand jury, and by him dealt with in all respects as other applications under this Act; and the presentment sessions shall examine into the serving and posting the notices of such application, and into the merits of the same, and the chairman shall endorse their opinion thereupon, and such secretary shall deliver such application so endorsed to the grand jury at the next assizes; and the said grand jury shall during the time appointed for transacting the fiscal business of the county examine into the matter of such application upon the oath of the party injured, or such other evidence as can be produced touching the said offence; and the said grand jury shall on the consideration of the said matter either disallow such application altogether, or present such sum or sums of money as the person or persons so injured ought to receive for such injury or damage, to be levied off the county at large, or such barony, parish, district, townland, or sub-denomination thereof, as the grand jury shall direct.

Applications for compensation when and where to be made.

CXXXVI. AND be it enacted, that every application under this Act for compensation for loss or damage occasioned by any malicious injury as aforesaid shall be made at the next presentment sessions which shall be holden after the commission of such offence for the barony, county of a city, or county of a town where the same shall have been committed, unless any such malicious injury shall have been done after the day appointed for holding the first presentment sessions after the assizes for the county in which such injury shall have been done, or so near the day of holding the same that such application for compensation cannot be duly lodged as herein-before directed, in either of which cases the person or persons so injured shall make such application at the presentment sessions which shall be holden next but one after the time of the commission of such offence for the barony, county of a city, or county of a town where the same shall have been committed, and the notices of such application shall be posted accordingly; and it shall not be lawful for any grand jury to make any presentment for compensation for malicious injury under the provisions of this Act, except at the assizes next ensuing to the sessions where application shall have been made therefor.

Persons applying for compensation shall give in examinations upon oath before a justice within three days after offence committed, and shall be bound to prosecute the offenders, if known.

CXXXVII. PROVIDED always, and be it enacted, that every person or persons who shall, under the provisions of this Act, apply for compensation for any loss or damage occasioned by malicious injury as aforesaid, shall within three days after the commission of the said injury, unless prevented by illness or other sufficient cause, give in his, her, or their examination upon oath, or that examination upon oath shall be given by his, her, or their servant or servants who had the care of his, her, or their property so injured, before some justice of the peace of the county where such injury shall have been committed, thereby specifying whether he, she, or they do know the person or persons who committed the said injury, or any of them; and in such case such examinant or examnants shall be bound by recognizance to prosecute such offender or offenders by indictment or otherwise according to the laws of this kingdom.

When presentment is opposed or application disallowed, a

CXXXVIII. AND be it enacted, that all such applications whatsoever for compensation for loss or damage sustained by malicious injury shall be laid by the acting clerk of the crown before the judge of assize upon his arrival:

and in case any person paying grand jury cess for the county or barony chargeable with the sum presented by the grand jury upon any such application shall be desirous of opposing any such presentment, or in case any person whose application for compensation shall have been disallowed by the grand jury shall wish to have his or their application re-considered, such cess payer or person or persons applying for compensation shall be heard; and in either of such cases the judge, if he shall so think fit, shall direct a jury to be forthwith impannelled to try the matter of such presentment or application respectively, and, according as the issue shall be found for or against such cess payer, the judge shall discharge, alter, or fiat such presentment; and in case of application disallowed, if the issue shall be found for the person or persons applying for compensation, the judge shall direct the grand jury to make presentment thereupon accordingly, otherwise such application shall be discharged; and all verdicts of juries impannelled as aforesaid to try any such issues shall be final and conclusive to all persons whatsoever; and it shall be lawful for the said judge to award by rule for that purpose costs to the parties for whom the issue shall be found against the other party or parties respectively in any sum not exceeding ten pounds sterling; and the said judge is hereby empowered to direct and issue forthwith an order or orders in the nature of execution against such last-mentioned party or parties respectively, which said order or orders the sheriff of such county is hereby required to execute in the same manner as in cases of executions against the chattels and effects of defendants.

jury may be sworn to try the matter.

Their verdict to be final.  
Costs.

CXXXIX. AND be it enacted, that no presentment for compensation for loss or damage as aforesaid shall at any time be removed by certiorari; nor shall any such presentment be at any time quashed for any informality, imperfection, or defect in form whatsoever; and no traverse, save as aforesaid, shall be allowed or received to any such presentment; nor shall any action or suit for the recovery of any satisfaction or damages sustained by reason of any injury, for which the person or persons injured thereby may be entitled to apply for compensation under the provisions of this Act, be brought or prosecuted against any chief or other magistrate, or any inhabitant or inhabitants of any parish, or other person or persons whatsoever, any Act or Acts now or heretofore in force in Ireland to the contrary notwithstanding.

No presentment for compensation to be removed by certiorari, &c.; nor traverse allowed.  
No action or suit to be brought in cases provided for by this Act.

CXL. PROVIDED also, and be it further enacted, that in case such burning or other malicious injury as aforesaid shall be committed on the verge or within the distance of one mile of the boundary of any two or more counties, the person or persons who shall sustain such injury may apply for compensation, in the manner herein-before directed, in either or any one of such neighbouring counties; and all proceedings shall be taken thereupon as herein-before provided with respect to other applications for damages for malicious injury; and in case any sum or sums of money shall be presented by the grand jury of the county where such application shall be made, or shall be finally awarded by the verdict of any jury, as and for compensation to the person or persons applying as aforesaid, the judge at the assizes of such county shall have power and authority to apportion the amount of such compensation amongst such neighbouring counties, and shall direct the proportion of the same which shall be paid by them respectively, and shall certify the same accordingly; and such presentment shall thereupon be diminished,

Mode of obtaining compensation for injuries committed near boundaries of counties.

or presentment made, according to the proportion which the said judge shall direct to be paid by such county ; and the grand jury or grand juries of the said other neighbouring county or counties respectively shall and they are hereby required, on the production of the certificate of such judge declaring the proportion to be paid by such county or counties, to present such proportion when the same shall exceed one hundred pounds to be raised off the county at large, and if such proportion shall be under one hundred pounds to be raised off the barony or baronies in or near to which such injury shall be alleged to be committed, and paid to the person or persons so applying, as the case may require.

No fees to be taken for applications to clerk of the crown, &c.

CXLI. AND be it further enacted, that no fee shall be demanded from or paid by any such cess payer or person applying to the clerk of the crown, judges, crier, or jury, for any matter or thing relating to any such application, presentment, or trial:

Clerk of the crown to deliver copies of presentments, &c. to county treasurer ;

CXLII. AND be it enacted, that the clerk of the crown of every county in Ireland, shall, within seven days after every assizes, deliver to the treasurer of such county, without a fee or reward, a copy, attested upon oath and signed by himself, of all presentments which shall have been made and fiated at the preceding assizes, and likewise copies of all queries discharged and remaining undischarged, distinguishing the same ; and such treasurer shall, within thirty days after the receipt thereof, cause a number of copies of such presentments and queries, and also a detailed abstract of his accounts, to be printed and distributed as the grand jury shall direct ; and it shall and may be lawful for the grand jury at each assizes to present, to be levied off the county, such sum as shall be necessary for defraying the expense of printing and distributing such copies, and also to present all such sum or sums of money as shall be necessary to defray the expense of printing the treasurer's account, and all copies of schedules of applications, and other printing required under the provisions of this Act, or which may be ordered by the judge of assize or grand jury or presentment sessions, for any county purpose.

which shall be printed and distributed.

Presentment for printing treasurer's account and schedules of applications, &c.

Imperative presentments to be printed separately.

CXLIII. AND be it enacted, that the treasurer of each grand jury, in the preparation of all printed lists of presentments granted by such grand jury, shall place in a separate page of such lists the several sums of money which shall have been presented by such grand jury under the laws now in force, under which it is imperative on such grand jury to make presentments for various public services ; and the amount of all sums in such lists shall be totted up at the foot of each column.

Copies of all presentments made to be laid before Parliament.

CXLIV. AND be it enacted, that the treasurer of every county in Ireland shall, on or before the twenty-fifth day of December in each and every year, cause a true copy, signed by himself, of all presentments, which shall have been made by the grand jury and fiated by the court at any assizes or presenting term in such year for the county whereof he is treasurer, to be forwarded to the secretary of the lord lieutenant, to be by him laid before Parliament ; and in case any treasurer of any county shall neglect to make such return as aforesaid, he shall forfeit his office.

Power to re-present arrears to be levied as sums originally presented.

CXLV. AND be it enacted, that it shall be lawful for any grand jury to re-present any such sums of money as now are or at any time hereafter shall be unpaid or in arrear out of any denomination, barony, or county of a city or town, to be raised and levied on such denomination, barony, county of a city

or town, upon which the same was originally required by the treasurer's warrant to be levied; and to present all such sums of money which have hitherto been or which shall at any time hereafter remain unpaid on account of the absconding or insolvency of any county treasurer, collector, or other person empowered to receive or collect public money, who is or shall be insolvent, to be raised and levied either upon the county or upon the barony in which the same was before levied, as they shall think fit; which sums shall be levied in the same manner and subject to the same rules, regulations, provisions, and powers, as any money to be levied by virtue of this Act is to be subject; and in case any money so detained or secreted by any collector, treasurer, or other person empowered to collect or receive public money shall be thereafter recovered, it shall be paid to the then treasurer; and such money so paid, and any balance, arrears of, or surplus on the salary of any county officer, and all other such like surplus and balances of money raised by authority of this Act, or which may anyhow arise in the hands of any county treasurer, shall be applicable to defray the expenses of any public work or any county charge whatsoever which the grand jury are authorized to present under the provisions of this Act, and shall be presented by the grand jury for such of the said purposes as to them shall seem expedient; provided always, that such sum shall be applied to the credit of any county or barony off which it was originally levied; and provided further, that before it shall be lawful for any grand jury to re-present any sum of money as unpaid or in arrear out of any county or barony or denomination, to be raised and levied on such county or barony or denomination, it shall be made to appear, by affidavit of the collector, to such grand jury, that such sum is actually in arrear and unpaid by such county or barony or denomination respectively, and that it could not have been levied from the persons or out of the lands charged with or liable to pay the same.

Arrears, &c.  
and surplus  
monies shall  
be applicable  
to general pur-  
poses of county.

Affidavit of  
arrears before  
re-present-  
ment.

CXLVI. AND be it enacted, that whenever any sum shall have been presented for any work which shall not be executed within the time or according to the terms prescribed by the contract for executing the same, it shall be applied, in such manner and under such direction as the grand jury shall appoint, for the purpose of executing or completing such works, and shall be accounted for by such person so appointed to apply the same.

Application of  
sums presented  
for works not  
executed.

CXLVII. AND be it enacted, that the grand jury of each county shall at each assizes appoint a proper person, resident in the barony or half barony or baronies [Rep., Stat. Law Rev. Act, 1874.], not being a magistrate or attorney, to be high constable and collector for each barony in such county, to collect all money which shall be presented to be raised on such barony or any parish or townland therein, and also such barony's proportion of the money presented to be raised on the county at large; and every such high constable shall have all power and authority and shall exercise and perform all duties now or hereafter to be by law required of any high constable; and the grand jury of each county of a city or county of a town shall at each assizes appoint a proper person or persons to be collector or collectors for such county of a city or county of a town to collect all money which shall be presented to be raised on such county of a city or county of a town, or on any parish or district thereof: Provided always, that if any such high constable or collector shall happen to die before he shall have collected the whole of the money presented

Appointment of  
high constable  
and collector  
for each barony  
in counties.

Appointment  
of collectors  
in cities and  
towns.

In case of  
vacancy jus-  
tices at quarter

sessions may  
appoint high  
constable, &c.  
pro tempore.

to be raised as aforesaid on such barony, county of a city, or county of a town for which he shall be high constable or collector, or if any case of vacancy should occur, it shall be lawful for the justices of the peace for the said county, at any general quarter sessions of the peace or adjournment thereof, to appoint another fit and proper person to be high constable or collector pro tempore, until a high constable or collector shall be appointed by the grand jury of such county, county of a city, or county of a town as aforesaid.

High constables  
and collectors  
to give security.

CXLVIII. PROVIDED always, and be it enacted, that no person shall act as high constable or collector unless he shall have given security at the assizes before the grand jury by whom he shall have been appointed, or before the justices of the peace at the sessions if such high constable or collector shall have been appointed at sessions, by two sufficient sureties joining with him in executing a bond and warrant of attorney, without stamp, to confess judgment to the treasurer of the county, conditioned for his duly collecting and paying to such treasurer on or before the first day of the next assizes all such public money as he is or shall be required by him to collect; and on his producing to the grand jury the treasurer's certificate of his having paid the same to the treasurer pursuant to such recognizance, it shall be lawful for the grand jury to present, without previous application to presentment sessions, a sum not exceeding ninepence in the pound on the amount of the collection to be paid to such high constable or collector for his trouble therein: Provided always, that no presentment for such poundage shall be made by any grand jury or fiat by the court, unless the treasurer's warrant under which such high constable or collector has levied such public money shall be annexed to such presentment, nor unless such high constable or collector and their deputies respectively shall make affidavit before the said grand jury that such public money has been fairly and impartially levied, and that no more than the sum authorized by the treasurer's warrant, with the customary collector's fees, has been collected, to the best of his and their knowledge and belief; and every high constable and collector as aforesaid may, by writing under his hand and seal, appoint a deputy collector or deputy collectors, for whom he shall be answerable, to assist him in collecting the public money; and every such bond and any judgment entered thereon shall vest in and may be sued for by the treasurer for the time being, who shall be entitled to continue the proceedings of any former treasurer on filing a suggestion stating his appointment to such office, or on his making it otherwise appear to the court in which such proceedings may be pending that he is the acting treasurer.

Presentment  
to them of  
poundage for  
trouble of  
collecting.

Power to ap-  
point deputies.

Securities, &c.  
to vest in  
treasurer.

Treasurer to  
issue his war-  
rants to col-  
lectors after  
receiving the  
copies of pre-  
sentments.

Treasurer's  
warrants to be  
in force for two  
years.

CXLIX. AND be it enacted, that the treasurer of each county shall, within one month after he shall have received from the clerk of the crown the copies of the presentments of the preceding assizes, issue his warrants to the several persons who, under the provisions of this Act, are to be the collectors for levying and collecting the sums to be raised off each barony or county of a city or town; . . . . . and [Rep. Stat. Law Rev. Act, 1874.] every such warrant of every such treasurer shall be and remain in full force and effect for the term of two years next after the date thereof, notwithstanding the resignation or removal of the person to whom it was originally addressed, unless the sums required by such warrant to be levied shall have been received, or unless the grand jury of the county shall have re-presented the same.

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CLI. AND be it enacted, that every person authorized to collect and receive grand jury cess shall, within ten days after he shall have received the treasurer's warrant empowering him to collect and receive the same, deliver or send to the seneschal or churchwardens of each manor, parish, or denomination of land contained in such warrant, or in case there be no seneschal or churchwarden of the same, then to any principal residing inhabitant, if he shall be required so to do by any two landholders of any such manor, parish, or denomination of land, or if he shall deem it necessary so to do, an account in writing, signed by himself, of the sum he is required by the said warrant to levy upon the said manor, parish, or denomination, and to desire that the said sum may be applotted thereon; and every person who shall receive such account is hereby required, under the penalty of ten pounds, to be recovered by civil bill by any person who shall sue for the same, to post up, within six days after the receipt thereof, on the door of the church, or the usual place for posting notices in said manor, parish, or denomination, a notice, signed by himself, setting forth that the landholders and inhabitants of [here insert name of manor, &c.] are hereby required to meet at [place of meeting] on the [here insert a day not less than ten days or more than twenty from the date of such notice], to choose two or more persons to applot the sum of [here insert the sum] required to be levied upon such manor, parish, or denomination, by the warrant of the treasurer of the county; and at such meeting the landholders and inhabitants then present shall choose two or more persons to be applotters; and the person so chosen shall, within thirty days from the time they shall be so chosen, applot the sum so to be levied upon such manor, parish, or denomination, fairly and justly, according to the relative annual value of the several subdivisions of the lands and tenements therein contained, stating as accurately as they can the name of the occupier of each portion of such lands, and shall make oath before any justice of the peace for such county that they have made the said applotment justly, according to the best of their skill, without favour, affection, or malice, the jurat of which oath shall be endorsed on the applotment; and such applotters shall deliver such applotment so verified upon oath to the person empowered to collect such grand jury cess, under the penalty of forfeiting for every day they shall omit to deliver the same after the said thirty days the sum of ten shillings, to be recovered by civil bill by any person who shall sue for the same; and the collector, on receiving such full and sufficient applotment, is hereby required and authorized to levy the said money according thereto; and in case no full and sufficient applotment shall be returned within thirty-six days after the time fixed for the appointment of the applotters, then in such case it shall be lawful for such collector to levy the full sum required by the treasurer's warrant off such manor, parish, or denomination, according to or in the like proportions as the sum levied under the last previous applotment of such manor, parish, or denomination, or according to the rate or applotment pursuant to which it was paid or levied. [Rep., Stat. Law Rev. Act, 1874.]

Collectors of grand jury cess upon receipt of warrant to send to the seneschals, &c. an account of the sum to be levied, and desire it to be applotted. Meeting of inhabitants to be summoned by notice.

Applotters to be chosen, who shall applot the sum to be levied, &c.

Collector to levy accordingly.

Grand jury cess may be levied by distress and sale.

If not expedient to proceed by distress, notice to be left requiring payment within six days, and if not paid in that time complaint to be made to a justice, who shall summon the party, &c.

CLII. AND be it enacted, that every person duly authorized to collect and levy any grand jury cess off any barony, county of a city, or county of a town, as soon as he shall have received the applotment of such cess, shall collect and levy the same according to such applotment; and such money may be levied by distress and sale of any goods and chattels of every person refusing to pay the proportion therein applotted for him or her to pay, which may be found on the premises chargeable, rendering to the owner the overplus, if any, after deducting the expenses of distraining, not exceeding twelpence in the pound on the sum for which such distress may have been made; or in case the collector shall not think it expedient to proceed by distress, then and in such case such collector shall leave at the dwelling house of the party chargeable for or in respect of such premises a notice bearing date the day and year of serving the same, subscribed with the name and abode of such collector, requiring payment of the sum applotted within six days from the date of such notice, and expressing that within six days the money demanded may be paid to the collector at his house or office; and if such money be not so paid within such time, then it shall be lawful for such collector to prefer a complaint to any justice of the peace for the county in which the party may reside, and



In default of appearance, goods of party may be distrained in any part of county ;

or in any other county, upon oath before a justice of such county.

Grand jury cess shall be a charge on the lands and premises, and shall be paid by the person in the occupation thereof at the time of the levy, &c.

Town or liberties of Callan to be a barony of the county of Kilkenny for purposes of presentments, &c.

such justice shall summon the party so complained against to appear before him and answer the said complaint, and shall at the time specified in such summons examine into the matter of such complaint on oath (which oath the justice is hereby empowered to administer), and shall direct the payment to such collector of such money as he shall find due and payable under such applotment by the party complained against, together with a sum certain as and for such reasonable costs and charges as to such justice shall seem meet ; and in default of the appearance of such party, or upon his or her refusal or neglect forthwith to pay the sum or sums so by such justice directed to be paid, it shall and may be lawful for such justice, or for any justice of the peace for such county, to issue his warrant authorizing and empowering the said collector to levy the money thereby ordered to be paid by distress and sale of any goods or chattels of the party so complained against which may be found within any part of such county, rendering the overplus, if any, to him or her, the necessary charges and expenses of distraining being thereout first deducted, as directed by such justice ; and if sufficient distress cannot be found within the same county, then, on oath thereof made before any justice of the peace of any other county in which any of the goods and chattels of such party shall be found (which oath such justice shall administer and certify by endorsing in his handwriting his name on the warrant granted to make such distress), the goods or chattels of such party so refusing or neglecting to pay as aforesaid shall be subject and liable to such distress and sale in such other county where the same may be found, and may by virtue of such warrant and certificate be distrained and sold, in the same manner as if the same had been found within such first-mentioned county.

CLIII. AND be it enacted, that the sum or proportion of grand jury cess to be raised off each barony or county of a city or town under the treasurer's warrant, duly applotted for any person to pay, shall be a charge upon the lands and premises mentioned in such warrant and applotment, and shall be paid and payable by the person or persons occupying the premises respectively at the time such cess is levied thereout, although such person or persons did not occupy the same at the time such cess was imposed, and, when the sum payable by any person or persons does not exceed fifty pounds, may be sued for by civil bill in the name of the collector before the assistant barrister having jurisdiction to hear and determine causes by civil bill in the county, place, or district in which the person liable to pay the sum resides.

CLIV. AND whereas doubts have been entertained as to the power of the grand jury of the county of Kilkenny to present any public work to be executed either wholly or in part within the town or liberties of Callan, or any money to be raised for such public work, or for any public work or other purposes for which a grand jury may lawfully present, out of the premises situated within such town or liberties, and also as to the powers of the treasurer of the said county to include said town or liberties in his warrant : Be it enacted, that it shall and may be lawful for the grand jury of the county of Kilkenny to present that any public works which it shall be deemed necessary to execute within such town or liberties shall be executed, and such town and liberties shall for every purpose connected with the execution of any public work, or a presentment for raising money, or for any other

matter or thing which any grand jury under this or any other Act hereafter to be passed shall have power to present, be deemed and taken to be a barony in and of the said county of Kilkenny; and such town and liberties shall, until a valuation thereof shall be made under some Act for the valuation of lands and premises in Ireland, be deemed to contain three thousand six hundred acres, and shall according to such acreable contents be liable to and bear its proportion of any public rate or charge on the said county.

CLV. AND be it enacted, that it shall be lawful for the treasurer of any county for the time being to effect a policy or policies of insurance against fire on any public building or other public property which he shall be directed by the grand jury to insure, and for such sum as he shall be so directed; and such policy shall vest in the treasurer for the time being, and the sum thereby secured shall be payable to him as part of the public fund of such county, and shall be applied to public purposes from time to time as the grand jury shall direct by any presentment sanctioned and approved of by the judges of assize at the assizes at which such presentment may be made; and the grand jury shall have the power without any previous application at the sessions, and are hereby required, to present, to be levied off the county at large, the premium and other charges payable on such policy, and for continuing the same, and the treasurer shall from time to time pay such premium.

Treasurer to cause any public building to be insured that may be so directed by a grand jury, &c.

[CLVI.] AND be it enacted, that the drivers of every kind and species of vehicle, and all persons riding or driving any animal or animals, laden or unladen, on any road or in any street of any city or town in Ireland, shall keep their left-hand side of the road or street in going and coming thereon, leaving the other side free to all other passengers, and when they may have occasion to pass any other persons going in the same direction with themselves shall in all cases where it is practicable take and go on the right-hand of such persons; and on every cart, car, or other carriage without springs on any road upon which his Majesty's mails are conveyed in coaches, or any other road being a county road, the name and surname and residence of the owner of such vehicle shall be painted in white Roman letters one inch long at the least; and every car or cart drawn by one horse shall have a double rein extending back to such car or cart; and if any person shall wilfully refuse or neglect to drive or pass in manner aforesaid, or if any person shall drive any vehicle on any such road whereon the name of the owner is not painted, or without a double rein as aforesaid, it shall and may be lawful for any magistrate, constable, or turnpike keeper to stop and detain such offender, and the vehicle and animal or animals on which or with which such offender shall be, and forthwith to carry or convey such offender before any justice of the peace for the county where such offence shall be committed, or for any person whatsoever to lodge information against such offender before any such justice; and upon being convicted thereof upon the oath of one credible witness, every such person so offending shall forfeit and pay any sum not exceeding five shillings, to be levied by distress and sale of the goods and chattels of such offender, or by distress and sale of the carriage and horse or horses or other beasts, and the goods therein or

Drivers to keep the left side of the road, &c.

Carts, &c. to have names, &c. of owners painted thereon, &c.

Proceedings against offenders.

[\* See note to title of Act.]

thereon, wherewith such offender shall have been travelling at the time of such offence, such distress to be made under the hand and seal of such justice, rendering the overplus (if any), after deducting the said fine, and expenses of such distress and sale, to the owner or owners, on demand; one half of the amount of the penalties so levied to be paid to the informer, and the remaining half to the minister or curate of the parish in which such offence shall be committed, for the use of the poor of such parish; and if distress sufficient for such penalty or penalties shall not have been seized or found, it shall and may be lawful for such justice, and he is hereby empowered and required, to commit such offender so convicted to the common gaol for any time not exceeding one calendar month, unless such offender shall sooner pay and satisfy the said penalty or penalties; and every person offending as aforesaid shall likewise be liable to pay and satisfy the damages which shall happen in consequence of any such neglect or default as aforesaid.

No house to be built within 30 feet of the centre of any road, &c.

[CLVII.\*] AND be it enacted, that no house or part of a house shall be built within thirty feet of the centre of any road, or within fifteen feet of the side thereof (except in the streets of corporate or market towns); and that if any person shall offend herein, every such person shall, upon conviction before any justice of the peace, forfeit and pay the sum of ten pounds, and the further sum of twenty shillings for every week after such conviction until the same shall be pulled down or removed; and no limekiln or windmill shall be built within one hundred feet of the centre of any public road; and it shall be lawful for any justices at a general sessions of the peace to direct any house, limekiln, or windmill built or building contrary to this Act to be pulled down, and to issue their orders to any constable or constables for that purpose, which order every chief and other constable shall aid and assist in executing; and the centre of the road for the purposes of this Act shall be deemed to be the centre of the part thereof made with gravel or small stones.

No limekiln or windmill to be built within 100 feet of the centre of any public road.

Swine, &c. wandering on roads may be seized and impounded, and owner fined, &c.

[CLVIII.\*] AND be it enacted, that it shall be lawful for any person whatsoever to seize and impound, or cause to be seized or impounded, any swine or beast which shall be found wandering upon any public road, or about the streets or passages of any town, in case the owner thereof shall not be known; and it shall be lawful for any justice of the peace to fine the owner of such swine or beast any sum not exceeding two shillings, and in case such penalty, and the expenses of impounding and detaining the same when it shall be so impounded, shall not be paid within four days after imposing such fine or after impounding the same, to cause such swine or beast to be sold, and out of the money arising from the sale thereof to pay such penalty, and expenses of impounding, keeping, and selling the same, rendering the overplus (if any) to the owner, due notice having been previously given of such sale, in which shall be inserted the name of the parish and townland where such swine or beast was seized, which notice shall be posted up in some conspicuous place in the parish where such beast was seized, and at the place where impounded, forty-eight hours at the least before the time of sale.

Persons who scour or fill ditches or drains without

[CLIX.\*] AND be it enacted, that if any person shall scour, deepen, widen, or fill up any ditch or drain on the side of any road without the consent or direction of the county surveyor; or if the owner or occupier of any lands

[\* See note to title of Act.]

contiguous to any public road shall omit to scour any ditch or drain leading from such road, so as to allow the water to pass away, within ten days after notice shall be given to him or her so to do by such surveyor or by the contractor for the repairs of such road, or shall suffer the passage of the water to be obstructed by making or leaving any way or passage from any road into the lands adjoining to his or her house without a sufficient pipe, sewer, or gullet underneath it; or if any person shall ride or drive any horse, beast, or cattle of any description willingly and unnecessarily on any footpath; or shall steep or dry any flax, or burn any bricks or lime, or any weeds or vegetables for ashes, upon any public road, or within thirty feet of the centre of any such public road; or shall make any kind of fire upon any public road; or shall cut any turf or make any turf stack on any public road, or within thirty feet of the centre thereof; or build any wall, or make any ditch, or dig any pit or drain, on any public road, or within thirty feet of the centre thereof, unless by authority of a presentment; or shall lay any dirt, dung, turf, straw, rubbish, or scourings of any ditches or drains, or any stones, bricks, timber, sand, clay, or lime, on any public road, or within thirty feet of the centre thereof; or shall leave on any public road any plough or harrow, or any cart, car, dray, or other carriage, without the horse or horses or other beast or beasts being harnessed thereto, unless such carriage shall have been accidentally broken down there; or shall spread any linen, blanket, or cloth for winnowing corn within thirty feet of the centre of any public road; or shall leave any dead beast on any road, or within thirty feet of the centre thereof; unless in a house or yard inclosed with walls; or shall beat any flax, or thrash or winnow any corn, or erect any may-pole or may-bush or sign-post, on any road; or shall keep any cur, dog, mastiff, or bull dog, without having a block of wood of the weight of five pounds at the least fastened to the neck of such dog, within fifty yards of any public road; or shall, without the consent of such surveyor or contractor, scrape any public road, or cut any sods or turf on the side of any such road, or take any earth, clay, stone, or gravel therefrom; or shall lead or drive any car or carriage with timber, boards, or iron laid across, so as that either end shall project two feet beyond the wheels or sides thereof; or shall draw any timber or stones along any part of a public road, without being supported by wheels from touching the same; every person so offending shall, upon conviction by oath of one credible witness, before any justice of the peace within his jurisdiction, or upon the view of any justice, forfeit and pay a sum not exceeding twenty shillings for every such offence; and it shall be lawful for any such surveyor or contractor to fill up any ditch or drain which shall be scoured, deepened, or widened, or to scour any drains which have been filled on the side of any road, without such direction or consent, and to scour or deepen any drain or ditch leading from any road which shall be omitted to be scoured or deepened after such notice as aforesaid, and to remove any way or passage from any road into any adjoining land or to any house which may obstruct the free passage of the water, and to re-make the same by building a gutter, sewer, or arch therein; and it shall be lawful for any such surveyor, or for any other person by the order of any justice of the peace or any such surveyor, to remove any bricks, or weeds or vegetables for making ashes, or other materials, which shall be burning, or any flax which shall be steeped or drying, contrary to the provisions of this Act, and to pull

consent of surveyor; or owners who do not scour ditches or drains within ten days after notice, &c.; or persons who ride or drive unnecessarily on footpath; or leave obstructions or nuisances on any road;

or without consent of surveyor or contractor scrape any public road, &c.;

to forfeit not exceeding 20s.

Surveyors may fill drains, &c.;

and any person by order of justice may remove nuisances;

and levy the expenses thereof.

Surveyors, &c. not liable to penalties for acts done in the discharge of their office; but fineable in certain cases.

Surveyor or contractor may require owners of land to prune hedges or trees injuring roads.

Owners not complying to be summoned before justices at petty sessions.

Justices may order hedges or trees to be pruned by owner, and, on refusal of owner, surveyor or contractor may do it, and owner shall pay expenses, which may be levied by distress and sale.

down any sign-post, may-pole, or may-bush, and to pull down or fill up and level any wall, drain, or ditch which shall be built or made or begun to be built or made contrary to this Act, and to remove the carcase of any dead beast which shall remain in or near any public road contrary to this Act, and to levy the expense of so doing by distress and sale of the goods of the offender, or of the occupier of the lands adjoining the place where such nuisance shall be committed, rendering the overplus (if any) to the owner, after deducting the sum of one shilling in the pound for the expense and trouble of taking such distress.

[CLX.\*] PROVIDED, and be it enacted, that nothing herein-before contained shall render any county surveyor, or any contractor for any public work under this Act, liable to any penalty for any act done or performed by the said surveyor or in the discharge of the duties of his office, or by any such contractor in the due and necessary execution or performance of his contract; but if any such surveyor or contractor shall lay or cause to be laid any heap of stones, gravel, rubbish, or other matter whatever upon any public road, and allow the same to remain there at night, to the danger or personal damage of any person passing thereon, all due and reasonable precaution not having been taken by the said surveyor or contractor to prevent any such danger or damage, such surveyor or contractor shall forfeit for every such offence any sum not exceeding forty shillings.

[CLXI.\*] AND be it enacted, that if any county surveyor or contractor for the repairing of any public road in any county shall think that such road is prejudiced by the shade of any hedges or trees (except those planted for ornament or shelter of any dwelling house, court yard, or garden), or if any obstruction is caused in any public road by any hedge or tree, it shall be lawful for such surveyor or contractor, and they are hereby each or either of them authorized, to require the owner of the land on which such hedges or trees are growing to cause such hedges to be cut or plashed, or such trees to be pruned or lopped, so as that such road may not be prejudiced or obstructed by the same; and if such owner shall not comply with such request within ten days, it shall and may be lawful for such surveyor or contractor, and they are hereby respectively authorized and required, to summon such owner before the justices assembled at any petty sessions for such county, to show cause why he has not complied with such request; and if such justices shall order and direct that such hedges shall be cut or plashed, or such trees pruned or lopped, and if the said owner shall not obey such order within ten days after the making of the same, it shall and may be lawful for such surveyor or contractor to cut or plash such hedges, or to prune or lop such trees, for the benefit and improvement of such road, and to remove such obstruction as aforesaid, to the best of their skill and judgment; and the said surveyor or contractor shall be reimbursed by the said owner what charges and expenses he shall be at in cutting or plashing such hedges, or pruning or lopping such trees; and it shall be lawful for such justices at petty sessions as aforesaid to direct such charges and expenses to be levied by distress and sale of the goods and chattels of such owner in such manner as other distresses and sales for forfeitures are authorized and directed to be levied by virtue of this Act:

[\* See note to title of Act.]

Provided always, that no person shall be compelled, nor any such surveyor or contractor permitted, to cut or prune any hedge at any other time than between the last day of September and the last day of March.

CLXII. AND be it enacted, that every county surveyor and every contractor for any work to be executed by grand jury presentment shall have power and authority to dig for, raise, and carry away in or out of any lands, not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, any gravel, stones, sand, or other materials, whether the same be found in the same or any adjoining county, which may be wanted for the building, rebuilding, enlarging, or repairing any bridge, arch, gullet, pipe, or wall, or for the making, repairing, or preserving any road or footpath; and such surveyor or contractor is hereby further empowered to make drains in order to carry off water which might injure any bridge, gullet, arch, pipe, wall, or road, in or through any lands, not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house; and shall make such satisfaction for the damage done thereby, or by taking any such materials as aforesaid, as shall be assessed by three substantial householders, which householders shall view the ground immediately previous to and immediately after such damages shall be committed, one of such householders to be named by the owner or occupier of the land, and another by the surveyor or contractor, and the third by any neighbouring justice of the peace; and in case any surveyor or contractor shall refuse, or, after four days notice in writing from such landholder, neglect to name a householder on his part, then one shall be named for him by such justice; and such three householders shall be sworn by such justice of the peace (previous to the damage being committed) to be appraisers of such damages as may occur, and to make a true estimate thereof, in which estimate the value of any stones, gravel, or other materials shall not be included, but only the waste committed by breaking the surface and making a passage through the land, unless where such stones, gravel, or materials shall be taken from any quarries and gravel pits *bonâ fide* demised with liberty to work the same: Provided nevertheless, that it shall not be lawful for any such contractor or surveyor to enter any lands for any such purpose against the will of the occupiers thereof without the previous order of a justice of the peace, which order any such justice is hereby authorized and required to grant on its being proved to his satisfaction that the gravel, stones, or other materials sought cannot be conveniently procured elsewhere, nor such drain otherwise sufficiently made or cleansed.

Power of surveyors and contractors to dig for materials;

and to make drains.

Satisfaction for damage to be assessed by three householders.

[CLXIII.\*] AND be it enacted, that it shall not be lawful for any such surveyor or contractor to dig, raise, and carry away any gravel, stones, sand, or other materials from the side of any public road, or from any beach or sea shore, whereby a public road or bulwark or defence to any building or any land adjoining any road, may be injured; and that any person who shall be convicted thereof, on the oath of one or more credible witnesses, before any justice of the peace, shall for every such offence forfeit and pay a sum not exceeding five shillings for every cart load of such gravel, stones, sand, or other materials so dug, raised, or carried away, to be levied, by warrant of

Materials not to be taken to the injury of any road or building, &c.

Penalty.

[\* See note to title of Act.]

distress under the hand and seal of such justice, off the goods and chattels of such offender.

Penalty for assaulting surveyors or contractors, and for injuring public works, milestones, bridges, &c.

[CLXIV.\*] AND be it enacted, that if any person shall wilfully prevent, assault, or threaten to assault any surveyor or contractor in the execution of his duty, or any person or persons employed by proper authority in surveying or measuring or laying out any line intended for a new road, or if any person shall wilfully destroy, pull up, deface, or injure any surveyors instruments or implements used in public works, or any milestone, mile-post, or direction post, or any bridge, battlement, wall, railing, mound, or fence erected or repaired by presentment, or shall wilfully break, deface, pull down, or take away stones out of any such battlement, wall, mound, or fence, or out of any court house, gaol, house of correction, pier, or other buildings, or out of any bridge, pipe, arch, or gullet, built or repaired by presentment, every person so offending shall forfeit and pay for every such offence, upon conviction by the oath of one credible witness before any two justices of the peace at petty sessions, such sum not exceeding ten pounds as the said justices shall think fit; and in case the same shall not be paid, such justices are hereby empowered and required to commit such offender to any gaol, bridewell, or house of correction, for any time not exceeding three months, or until the said forfeiture shall be paid; and it shall be lawful for the treasurer of the county in which any such injury may have been done, if directed by the grand jury so to do, to commence and prosecute an action on the case against any person or persons by whom such injury may have been committed, and for recovering of damages to the amount thereof from such person or persons for the use of the county, and, when the damages sought to be recovered do not exceed thirty pounds, to sue for the same by civil bill before the assistant barrister; and in every such proceeding the property so injured or destroyed shall for the purposes of such proceeding be deemed to be the property of such treasurer.

Proceedings in case any public work erected or repaired by presentment shall be wantonly injured.

CLXV. AND be it enacted, that in case at any time hereafter any public work erected or repaired by presentment of a grand jury shall be wantonly or maliciously damaged or destroyed, it shall be lawful for the county surveyor, and he is hereby required, to apply at the presenting sessions of the district in which such work is or was situate, holden next after the discovery by him of such damage or destruction, for the repair or reconstruction of such work; and such proceedings shall be had on such application as on any other application by such surveyor, save only that in case any presentment shall be made by the grand jury in consequence thereof, the amount of such presentment shall be levied either off of the parish in which such work is or was situate, or such portion thereof as the grand jury shall think proper.

Applications relating to salaries and contingencies to be lodged with the secretary of the grand jury, &c.

CLXVI. AND be it enacted, that every person who shall require any presentment for fees, poundages, salary, or other contingency, or payment whatsoever, for which grand juries are authorized by the provisions of this Act to make presentments without previous application to presentment sessions, shall lodge an application for the same, with a full detail of the particulars and amount thereof, with the secretary of each grand jury six clear days at the least previous to the day appointed for impannelling such grand jury; and such secretary shall insert an abstract of such applications at

[\* See note to title of Act.]

the foot of the proper schedule which he is required to deliver to the foreman of the grand jury, and also at the foot of the copy which he is required to keep in his office for the inspection of the public: Provided always, that such presentments for fees, poundage, or other contingencies or payments, the particulars and amount whereof cannot be ascertained so as to allow of their being specified when the application therefor shall be lodged with the said secretary at the time aforesaid, may be made by the grand jury, although such particulars and amount shall not have been so specified.

CLXVII. AND be it enacted, that from and after the commencement of this Act the grand juries of the county and of the county of the city of Dublin respectively shall transact the fiscal business of their several counties in open court, any Act or Acts now in force in Ireland, or any usage, to the contrary notwithstanding.

Dublin grand juries to transact fiscal business in open court.

CLXVIII. AND be it enacted, that no contract for any public work under the provisions of this Act, or any recognizance to be entered into for the execution of the same by virtue of this Act, shall be liable or subject to any stamp duty imposed by any Act or Acts passed or to be passed, unless specially mentioned therein; and whenever the amount of any such contract, or the sum for which any such recognizance shall be conditioned, or the sum sought to be recovered by virtue of such recognizance or contract, shall not exceed the sum of one hundred pounds, it shall be lawful to proceed against any such contractor or his sureties for such sum, or for damages for the breach of any such contract, by civil bill before the assistant barrister at the quarter sessions for the county where such work shall be situate, or in the county or city of Dublin before the chairman of Kilmainham or the recorder of the city of Dublin respectively; and the said assistant barrister, chairman, and recorder shall have full power to hold plea thereof, and the same shall and may be proceeded on in like manner in all respects, and the like decree or judgment and execution shall and may be had thereon, and also the like benefit of appeal, and of proceedings, judgment, and execution thereon, as in case of any other sum or demand which may now by law be had or used before such judge.

No stamp duty upon contracts and recognizances under this Act.

Proceedings before assistant barrister for breach of contract under a certain amount.

CLXIX. AND be it enacted, that all fines and forfeitures inflicted by virtue of this Act, if not immediately paid, shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of a justice of the peace, together with all expenses attending the levying the same; and all such fines, unless otherwise specially directed by this Act, shall, when levied and paid, be given, one half to the informer, and the other half to such dispensary, hospital, or infirmary, as the justice shall direct; and in case any fine be not immediately paid upon conviction, or within such time as the justice shall appoint, it shall be lawful for the justice of the peace before whom such conviction shall have been made to commit the offender to gaol for any time not exceeding two months, or until the fine be paid.

Fines to be levied by distress and sale, and if not otherwise directed, divided between informer and some hospital. Committal in case of non-payment of fine.

CLXX. AND be it enacted, that when any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto; nor shall the party or parties distraining be deemed a trespasser or trespassers ab initio on account of any subsequent

The party distraining not to be a trespasser in consequence of irregularity, &c.



irregularity on the part of the party or parties distraining, but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damages in any action on the case.

Pleading of  
general issue,  
&c. by persons  
sued for acting  
in execution of  
this Act.

CLXXI. AND be it enacted, that if any person shall be sued, molested, or troubled for putting into execution any of the powers contained in this Act, or for doing any act, matter, or thing pursuant thereto, such person shall and may plead the general issue, and give the special matter in evidence, and may avow the taking any distress on the acting treasurer and justices warrant merely, without going into other title or authority; and if the plaintiff or plaintiffs shall be nonsuited, and judgment given against him, her, or them, upon demurrer or otherwise, or a verdict pass for the defendant or defendants, or a dismissal upon a civil bill, such defendant or defendants shall have his, her, or their treble costs, to be recovered by such method and manner whereby law costs are given to defendants [Rep., 5 & 6 Vict. c. 97. s. 2.] ; . . . . .

Justices not to  
take money for  
affidavits.

False swearing,  
&c. punishable  
as perjury.

CLXXII. AND be it enacted, that it shall not be lawful for any justice of the peace or any other person to demand or take any sum of money or any reward for swearing any affidavit to be made by virtue of this Act; and if any person shall wilfully swear or affirm or declare falsely in any oath or affirmation or declaration made or taken by authority or under any of the provisions of this Act, every such person, being thereof convicted, shall be adjudged guilty of wilful and corrupt perjury, and incur the pains and penalties in such case by law provided; and it shall and may be lawful for any grand jury, without any previous application to presentment sessions, to make such presentments for defraying the prosecution of such delinquent as to them may seem fitting and expedient.

Weights and  
measures to  
be those or-  
dained by  
5 Geo. 4. c. 74.  
and 5 & 6  
Will. 4. c. 68.

CLXXIII. AND be it enacted, that all weights and measures mentioned in this Act, or used under any of the provisions thereof, or referred to in any presentment, shall be the weights and measures fixed and ordained by an Act passed in the fifth year of the reign of his late Majesty King George the Fourth, intituled "An Act for ascertaining and establishing uniformity of " weights and measures," and by an Act passed in the fifth and sixth year of his present Majesty, intituled "An Act to repeal an Act of the fourth and " fifth year of his present Majesty, relating to weights and measures, and to " make other provisions instead thereof," any law, usage, or custom to the contrary notwithstanding.

Money to be  
the present  
currency.

Schedules to  
be deemed part  
of the Act, &c.

CLXXIV. AND be it enacted, that the several sums of money in this Act mentioned shall be deemed to be the present lawful money of Great Britain and Ireland; and the schedules annexed to this Act shall be deemed and taken to be part thereof, and the forms therein contained shall be made use of in all cases to which such forms shall be applicable: Provided always, that it shall and may be lawful to erase or alter any words in such forms so as to make them applicable to any particular case, without materially altering the substance, but no further; and that no notice, recognizance, warrant, traverse, presentment, or other proceeding or matter whatsoever served, made, taken, or had under this Act shall be impeached on any technical or formal grounds, or for any informality, provided it shall be in substance conformable to the provisions of this Act.

Notices, &c. not  
to be impeached  
on technical  
grounds.

Baronies, &c.  
may be divided,  
or may be  
united.

CLXXV. AND be it further enacted, that it shall and may be lawful for the grand jury of any county, by presentment, to divide any barony or half barony thereof into one or more subdivisions, each whereof shall, for the

purposes of this Act, and for all purposes relating to the presenting, raising, and levying of money for any matter or thing for which presentment may be lawfully made by grand juries, be deemed and taken to be a barony or half barony, as such grand jury shall present the same; provided such barony shall contain forty-five thousand acres, but not otherwise; and it shall be lawful for any grand jury to unite any two baronies, or any barony or any portion of any barony or baronies, into one, for the purposes of this Act; provided the baronies or portions so united shall not contain more than forty thousand acres.

CLXXVI. AND whereas, from the great extent of certain counties in Ireland, and the inconvenient situation of the towns where the assizes are now held in respect to other parts of said counties, it may be expedient that a second assize town should be appointed at which assizes shall be holden for part of said counties, and for that purpose that the said counties should be divided into two districts or ridings: Be it therefore enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland, by and with the advice of the privy council, to order and direct that any county in Ireland shall be divided into two ridings or districts, and to direct and appoint what baronies or half baronies or other portions of land shall be contained in each of said ridings, and to order and direct that assizes and sessions under the commissioners of assize and general gaol delivery, and other commissions for the dispatch of civil and criminal business, or that any special commission or commissions of oyer and terminer and gaol delivery, should be holden in and for any county which now is or hereafter may be so divided at such town within the same as shall be deemed most expedient for the purpose, in addition to and in like manner as the same are now holden at the usual assize town.

Certain counties may be divided into two ridings or districts, &c.

CLXXVII. AND be it further enacted, that it shall and may be lawful for said lord lieutenant or other chief governor or governors, with such advice as aforesaid, to make rules and regulations touching the venue in all cases, civil and criminal, then depending or thereafter to be depending and to be tried within such divisions or ridings of any such county, and touching the alterations of any commissions, writs, precepts, or other proceedings thereby made necessary, and touching the attendance and liability of jurors, whether grand jurors, special jurors, or common jurors, at such assizes, or at any sessions to be holden for such ridings or divisions, and to make such orders, rules, and regulations for the building or fitting up of any gaol or court house in such town so to be appointed as the assize town of any such riding, and for ascertaining the proportions to be borne by each division or riding of all presentments or other fiscal charges affecting the county at large, and to make all such rules, orders, and regulations touching all other presentments as may be rendered necessary from time to time in consequence of the division of said county, and all other rules, orders, and regulations as may be necessary for carrying into full and complete effect the object of having two half-yearly assizes holden in and for said county in manner aforesaid; and all such rules, orders, and regulations shall be inserted in the Dublin Gazette, and notified in such other manner as orders of the lord lieutenant in council are usually notified: Provided always, that such division of said county for the purposes aforesaid shall not be deemed, construed, or taken to damage, alter, limit, or

Lord lieutenant to make rules and regulations touching the venue in all cases to be tried within the said divisions, and all other matters consequent upon such division.

Division not to abridge the rights of sheriffs, &c.

abridge any power, authority, jurisdiction, right, duty, or privilege of any high sheriff, sub-sheriff, or justice of the peace or other magistrate of the said county, or to affect the holding of an election of a member or members to serve in Parliament for such county, which shall continue to be holden at the town at which it is now by law required to be holden until Parliament shall otherwise direct.

Mode of re-  
payment of  
money ad-  
vanced out of  
the consoli-  
dated fund, &c.

CLXXVIII. AND be it further enacted, that in all cases where by this or any Act or Acts now in force in Ireland repayment is to be made by grand jury presentment of any money advanced out of the consolidated fund or from any other public fund, the same shall from and after the passing of this Act be paid and payable unto such bank or person and in such manner as the lord high treasurer, or the lords commissioners of his Majesty's Treasury, or any three of them, shall from time to time think fit to direct and appoint.

If grand jury  
refuse or neglect  
to present  
money which  
ought to be  
presented to  
repay monies  
advanced out of  
the consoli-  
dated fund, the  
court may  
make an order  
which shall  
have the form  
of a present-  
ment.

CLXXIX. AND be it enacted, that in case the grand jury at any assizes shall neglect or refuse duly to present any money which, under the provisions of this Act, or of any Act now in force in Ireland, or of any Act passed or to be passed in this present session of Parliament, such grand jury may be required to present at such assizes upon the certificate of the chief or under secretary of the said lord lieutenant or other chief governor or governors of Ireland, or otherwise, for the purpose of reimbursing or replacing any monies issued out of the consolidated fund of the United Kingdom of Great Britain and Ireland, the court shall have power to make an order directing the sum or sums which ought to have been so presented to be raised and levied as if the same had been so presented, and such order shall have the force and effect of a presentment, and the treasurer of the county shall insert the sum mentioned in such order in his warrant, and the same shall be applotted, raised, and levied and applied in like manner to all intents and purposes as if the same had been duly presented by such grand jury.

No present-  
ment for such  
repayment  
unless de-  
manded within  
five years, &c.

CLXXX. AND be it further enacted, that in case at any time after the passing of this Act any sum of money shall be advanced out of the produce of the consolidated fund which is to be repaid wholly or in part by a presentment of any grand jury in Ireland, it shall not be lawful to make any presentment for repaying the same or any part thereof, unless the same has been demanded within five years next before the making of such presentment, except only where the same is to be repaid by instalments.

\* \* \* \* \*

Act to extend  
only to Ireland.

CLXXXV. AND be it enacted, that this Act shall extend only to that part of the United Kingdom called Ireland.

\* \* \* \* \*

#### SCHEDULES to which this Act refers.

##### SCHEDULE (Z.)—FORM (A.)

I A.B. of [here insert the name and place of abode of the justice taking this declaration] do declare, that I am a justice of the peace of the county [here insert the name of the county for which the presentment sessions is holden], and that I will truly, faithfully, and impartially do and perform all such acts, matters, and things as I am authorized to do and perform by and under the provisions of an Act passed in the . . . year of the reign of his

Majesty King William the Fourth, intituled [here set out the title of this Act], and that I will, without favour, affection, hatred, or malice or ill-will, diligently inquire into and impartially and honestly judge and determine, according to the evidence and to the best of my judgment and ability, upon the several applications and other matters which may be brought before me under the authority of the said Act.

Witness my hand

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SCHEDULE (Z.)—FORM (B.)

I A.B. of [here insert the name and place of abode of the cess payer taking this declaration] do declare, that I will truly, faithfully, and impartially do and perform all such acts, matters, and things as I am authorized to do and perform by and under the provisions of an Act passed in the year of the reign of his Majesty King William the Fourth, intituled [here set out the title of this Act], and that I will, without favour, affection, hatred, or malice, or ill-will, diligently inquire into and impartially and honestly judge and determine, according to the evidence, and to the best of my judgment and ability, upon the several applications and other matters which may be brought before me under the authority of the said Act.

Witness my hand

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SCHEDULE (Z.)—FORM (C.)

You shall diligently inquire, on behalf of the county [or county of city, county of town, or city and county] of \_\_\_\_\_, and true presentment make, of all such matters and things as shall be lawfully given to you in charge, or as shall come before you in anywise relating to the raising of any money upon the said county [or county of city, county of town, or city and county] of \_\_\_\_\_, or upon any barony, half barony or parish therein, or relating to the expenditure of any such money; you shall not present nor allow nor disallow any matter or thing through hatred, malice, or ill-will, nor through fear, favour, or affection.

So help you GOD.

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SCHEDULE (X.)—FORM (A.)

FORM of Application for making a new Line of Road.

County of } WE, \_\_\_\_\_ of \_\_\_\_\_ and  
 } \_\_\_\_\_ of \_\_\_\_\_ do certify,  
 that in our opinion it would be useful to make a new line of road from  
 to \_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_, and that  
 such new line of road is \_\_\_\_\_ perches in length, and that said  
 perches are in the townland [or townlands] of \_\_\_\_\_ in the barony  
 [or baronies] of \_\_\_\_\_ in this county, and we propose that  
 presentment for such purpose be made under and by virtue of  
 section of the \_\_\_\_\_ chapter of [here set out the reign], being

an Act for [here set out the title of this Act], and that the expense of the same shall not exceed                      pounds, and shall be defrayed by the county at large [or barony or half barony or baronies of                      ].

(Signed)                      A.B.  
C.D.

---

SCHEDULE (X.)—FORM (B.)

FORM of Application for the Repairs of Roads.

County of } WE,                      of                      and  
                    }                      of                      do certify,  
that we have lately viewed and measured                      perches of the  
road from                      to                      between                      and                      , and  
that the said                      perches are in the townland [or townlands]  
of                      between the houses and lands of A. and B. all in the  
barony of                      in this county, and that the same are in need of  
repair; and we propose that the expense of the aforesaid repairs shall not  
exceed                      pounds, and shall be defrayed by the county at  
large [or barony or half barony of                      ], and that presentment  
for such purpose may be made under and by virtue of the                      section  
of the                      chapter of [here set out the reign], being an Act  
for [here set out the title of this Act].

(Signed)                      A.B.  
C.D.

---

SCHEDULE (X.)—FORM (C.)

FORM of Application for widening Roads and making Fences instead of those  
to be taken away.

County of } WE,                      of                      and  
                    }                      of                      do certify, that we have lately viewed  
and measured                      perches of the road from  
to                      between                      and                      in the  
townland [or townlands] of                      all in the barony  
[or half barony] of                      in this county, and that  
every of the same is                      feet wide, and no more, in the  
clear within the fences; and we are of opinion that it would be useful to  
the public using such road to widen the same, so as to make that part of the  
road                      feet wide in the clear, and safe and level throughout  
the whole of the said width, and to make new fences instead of those which  
shall be taken down or destroyed in order to widen the same; and we propose  
that the expense of widening and repairing the same shall not exceed  
pounds, and shall be defrayed by the county at large [or barony or half  
barony of                      ], and that presentment for such purpose may be  
made under and by virtue of the                      section of the                      chapter of  
[here set out the reign], being an Act for [here set out the title of this Act].

(Signed)                      A.B.  
C.D.

**SCHEDULE (X.)—FORM (D.)**

### FORM of Application for making or repairing Footpaths.

County of } WE,  
                }                         of                         and  
                }                         of                         do certify,  
that in our opinion it is necessary to make [or repair]                         perches  
of footpath on the road from                         to                         between  
                    and                         all in the barony of                         in  
this county ; and we propose that the expense of the aforesaid work shall not  
exceed                         pounds, and shall be defrayed by the county at large [or  
barony or half barony of                         ], and that presentment for such  
purpose may be made under and by virtue of the                         section of  
the                         chapter of [here set out the reign], being an Act for [here  
set out the title of this Act].

(Signed)      A.B.  
                    C.D.

**SCHEDULE (X.)—FORM (E.)**

**FORM of Application for Presentments to fill Grips or Trenches on the Sides of  
the Road, and making sufficient Fences instead thereof.**

County of } We,                      of                      and  
              } of                      do certify, that we have measured  
                        perches of the road from                      . to  
between                      and                      all in the barony of                      in  
this county, where there are                      perches of                      immediately  
adjoining the said road, of the average breadth of                      and depth  
of                      , which are open and dangerous for passengers and  
travellers, and that it is necessary for the safety and security of the public  
frequenting such road to fill up the same, and to make a sufficient fence  
instead thereof; and we propose that the expense of the aforesaid work  
shall not exceed                      pounds, and shall be defrayed by the county at  
large [or barony or half barony of                      ], and that presentment for  
such purpose may be made under and by virtue of the                      section of  
the                      chapter of [here set out the reign], being an Act for [here  
set out the title of this Act].

(Signed)      A.B.  
                    C.D.

**SCHEDULE (X.)—FORM (F.)**

### FORM of Application for filling Dikes or Holes on the Sides of Roads.

County of } We,                      of                      and                      of  
do hereby certify, that it is necessary for the security of travellers  
to fill up the dikes [or holes] immediately adjoining                      perches of  
the road from                      to                      between                      and  
all in the barony of                      in this county; and we propose that the expense

of the said work shall not exceed                      pounds, and shall be defrayed by the county at large [or the barony or half barony of                      ], and that presentment for such purpose may be made under and by virtue of the section of the                      chapter of [here set out the reign], being an Act for [here set out the title of this Act].

(Signed)      A.B.  
C.D.

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SCHEDULE (X.)—FORM (G.)

FORM of Application for lowering a Hill or filling a Hollow, or both, &c. &c.

County of } WE,                      of                      and                      of  
                    } do certify, that we have lately viewed                      perches of a road  
   in the townland of                      barony of                      in this county,  
and we are of opinion that it would be useful [here insert the work proposed]:  
and we propose that the expense of the aforesaid work shall not exceed  
pounds, and shall be defrayed by the county at large [or barony or half  
barony of                      ], and that presentment for such purpose may be made  
under and by virtue of the                      section of the                      chapter of  
[here set out the reign], being an Act for [here set out the title of this Act].

(Signed)      A.B.  
C.D.

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SCHEDULE (X.)—FORM (H.)

FORM of Application for erecting, enlarging, or repairing any Building  
whatsoever.

County of } WE,                      of                      and                      of  
                    } do certify, that we have lately viewed and examined  
and that it will be useful to [here set out the work], at                      in this  
county; and we propose that the expense of the aforesaid work shall not  
exceed                      pounds, and shall be defrayed by the county at large [or  
barony or half barony of                      ], and that presentment for such purpose  
may be made under and by virtue of the                      section of the  
chapter of [here set out the reign], being an Act for [here set out the title of  
this Act].

(Signed)      A.B.  
C.D.

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SCHEDULE (X.)—FORM (I.)

FORM of Application for Payment by a Contractor for a Public Work.

County of } WHEREAS the sum of                      was by virtue of the  
                    } section of the                      chapter of [here set out the reign], being  
an Act for [here set out the title of this Act], presented at                      assizes

in the year                      for [here set out the work contracted for], in the barony  
 of                                  in this county: And whereas I contracted for the work  
 aforesaid: Now this is to certify, that I have faithfully and honestly executed  
 the said work, in conformity to the presentment for the same and to the  
 terms of the specification of the county surveyor, and that every part of the  
 said work was finished on the                      day of                      ; and I hereby  
 apply for the payment of the said sum of

(Signed)                      A.B.  
 Contractor.

#### SCHEDULE (X.)—FORM (K.)

FORM of Application for Payment by a Contractor for Works of Maintenance.

County of } WHEREAS at the                      assizes in the year                      by  
                   } virtue of the                      section of the                      chapter of  
 [here set out the reign], being an Act for [here set out the title of this  
 Act],                      perches of the road from                      to  
 between                      and                      in the barony of                      in this  
 county, were presented to be kept in repair for                      years by contract  
 at the yearly sum of                      : And whereas I contracted for the same:  
 Now this is to certify, that the said                      perches and every part thereof  
 have been kept in good and sufficient repair and condition since the commence-  
 ment of my contract, in conformity with the presentment and the specification  
 of the county surveyor; and that the said                      perches and every part  
 thereof are now in good and complete repair and condition, and that the  
 said                      perches are free from nuisances; and I hereby apply for  
 payment of the sum of                      for keeping the said                      perches  
 in repair for                      months.

(Signed)                      A.B.  
 Contractor.

#### SCHEDULE (R.)

I                      do declare, that I have not directly or indirectly  
 paid any sum of money as or for the subscription of any person, in order to  
 entitle him to become a governor of the infirmary of the county of  
 or to qualify him as a subscriber to the dispensary of  
 [as the case may be], and that I have not promised or in any manner engaged  
 to repay, and have not directly or indirectly repaid or secured, and will not  
 directly or indirectly repay or secure, nor has any person to my knowledge  
 or belief, or on my behalf, given or promised to give to any person or persons,  
 or for his or their use, or at all, any sum of money paid or secured or agreed  
 to be paid or secured as a subscription to the said infirmary or dispensary, or  
 any part thereof; and that no person whose subscription to said infirmary or  
 dispensary, or any portion thereof, has been paid or secured by me, or any  
 person acting for me or on my behalf, in order to qualify him to become a



governor of the said infirmary, has voted for me: And I do declare, that my appointment to the office of \_\_\_\_\_ is totally unconnected with any arrangement between me and my predecessor in such office, and that no arrangement has been made with him, to my knowledge or belief, by any person on my behalf.

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SCHEDULE (Y.)

Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ A.B. of \_\_\_\_\_ in the county of \_\_\_\_\_, C.D. of \_\_\_\_\_ in the county of \_\_\_\_\_, and E.F. of \_\_\_\_\_ in the county of \_\_\_\_\_, came before me \_\_\_\_\_ [one of the justices, or chairman, as the case may be,] at a presenting sessions held at \_\_\_\_\_ in the county of \_\_\_\_\_, and acknowledged themselves to be held and firmly bound to our sovereign lord the King, his heirs and successors, in the sum of \_\_\_\_\_ pounds, to which payment they bind themselves, their heirs, executors, and administrators, and their estates jointly and severally:

WHEREAS the above-bounden A.B. has become contractor for the execution of a certain public work, that is to say [mention it], and the said C.D. and E.F. have become his sureties for the due execution of such work: Now the condition of the foregoing recognizance is that if the said A.B. shall within the time mentioned in such contract well and truly execute such work in the manner required and agreed on by such contract, then the foregoing recognizance to be void, otherwise to remain in full force and effect.

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SCHEDULE (S.)  
TABLE of Classification of Counties, Treasurers Securities, and Salaries of County Officers.

	Counties, Cities, and Towns.						County of Cork.	City of Cork.	City of Dublin.	
	Class I.	Class II.	Class III.	Class IV.	Class V.	Class VI.				
Treasurers securities	8,000	7,000	5,000	4,000	2,000	1,000	20,000	4,000		
<b>SALARIES.</b>										
Treasurers -	370	324	230	185	-	-	554	185		
Clerks of the crown -	370	324	230	185	74	47	462	185		
Clerks of the peace -	370	324	300	277	93	42	554	230		
Secretaries to grand jury -	203	185	140	120	37	28	324	111		
Sheriffs -	93	74	56	47	24	10	111	93		
Judges criers -	14	12	10	10	5	3	20	10		
Criers at sessions -	19	14	12	10	10	6	28	20		
Court house keeper in county towns -	14	14	10	10	10	10	20	20		
Medical officers of prisons, viz.										
Physician, or Surgeon, or Apothecary :										
in the whole, exclusive of bill for medicines }	74	74	65	65	56	37	74	65		
Number of coroners, not exceeding - }	4	3	2	2	-	-	4	-		
Class I. comprehends the counties of { Tipperary, Down, Mayo, Galway, Antrim, Tyrone, Donegal, Derry, Limerick.										
Class II. comprehends the counties of { Clare, Roscommon, Kerry, Armagh, Cavan, Monaghan, Meath, Dublin.										
Class III. comprehends the counties of { Wexford, Kilkenny, Sligo, King's County, Fermanagh, Westmeath, Queen's County.										
Class IV. comprehends the counties of { Waterford, Wicklow, Louth, Longford, Leitrim, Kildare, Carlow.										
Class V. comprehends the cities and towns of { Waterford, Limerick, Kilkenny, Galway.										
Class VI. comprehends the town of { Drogheda.										

## SCHEDULE (T.)

## SALARIES for Officers in the County of the Town of Carrickfergus.

	£	s.	d.
Treasurer - - - - -	45	0	0
Clerk of the crown - - - - -	23	1	6
Clerk of the peace - - - - -	24	0	0
Secretary - - - - -	13	17	0
Sheriffs - - - - -	7	7	8
Judges crier - - - - -	2	0	0
Sessions crier - - - - -	2	0	0
	<u>£117</u>	<u>6</u>	<u>2</u>

For the clerks of the crown in the towns of Youghal and Kinsale, to be presented by the grand jury of the county of Cork, £24.

For the clerks of the peace for the towns of Youghal and Kinsale, to be presented by the grand jury of the county of Cork, £24.

Note.—Whensoever any clerk of the crown for the counties in the first class shall execute the duty of his office for more than one county of such class, in every such case the salary for such clerk of the crown shall, for such counties of the first class, be presented at £324. only.

I do declare, that I have not, directly or indirectly, given, paid, or secured, or promised to pay, give, or secure, nor has any person on my behalf to my knowledge or belief given or promised to give, any sum of money or other consideration whatsoever in order to procure myself to be appointed to the office of secretary of the grand jury, treasurer, et cætera [as the case may be], of the county of \_\_\_\_\_ and that I will not hereafter pay, secure, or give to any person or persons any money or any security for money in consideration of or in consequence of my having been appointed to such office: And I do declare, that my appointment to such office is totally unconnected with any arrangement between me and my predecessor in such office, nor has any such arrangement been made by any person or persons on my behalf to my knowledge or belief.

## APPENDIX.

55 GEORGE III. A.D. 1814-15.

### CHAPTER LI.

AN ACT to amend an Act of His late Majesty King George the Second, for the more easy assessing, collecting, and levying of County Rates.<sup>[a]</sup>

**W**HEREAS the laws now in force are found ineffectual for the correction of the disproportions which now exist, or which may from time to time take place, in the assessments of county rates: Be it hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for the justices of the peace of the several counties in that part of Great Britain called England, assembled at their general or quarter sessions, or at any adjournment or adjournments thereof, and they are hereby authorized and empowered, whenever circumstances shall appear to require it, to order and direct a fair and equal county rate to be made, for all the purposes to which the county stock or rate is now or shall hereafter be made liable by law, according to the directions herein-after mentioned; and for that purpose to assess and tax every parish, township, and other place, whether parochial or extra-parochial, within the respective limits of their commissions, rateably and equally, according to a certain pound rate (to be from time to time fixed and publicly declared by such justices) of the full and fair annual value of the messuages, lands, tenements, and hereditaments, rateable to the relief of the poor therein, any law or statute to the contrary thereof notwithstanding: Provided also, that nothing in this Act contained shall extend or be construed to extend to give any jurisdiction to the justices of the peace of the said several counties over any places situate within the limits of any liberties or franchises having a separate jurisdiction, which before the passing of this Act were subject to rates in the nature of county rates imposed and assessed by the justices of the peace for such liberties or franchises, or which were exempt from the rates of the county in which they lie, either in the whole or in part; nor to alter any proportion of county rate payable by any liberty or franchise having a separate jurisdiction, as established between the county and the said liberty or franchise, provided such exemption or proportion shall have been created by or derived from grant, charter, or any special local Act of Parliament; nor to compel any such liberty or franchise, paying to some one or more of the rates specified in the preamble of an Act passed in the twelfth year of the reign of his late Majesty King George the Second, intituled "An Act for the more

Justices in general or quarter sessions to make a fair and equal county rate, whenever circumstances appear to require it, &c.

12 Geo. 2. c. 29.

[<sup>a</sup> By 5 & 6 Will. 4. c. 76. s. 92. it is enacted that the council of any such borough as therein mentioned shall, for the purpose therein specified, have within their borough all the powers which any justices of the peace assembled at their general or quarter sessions in any county in England have within the limits of their commission by virtue of this Act, or as near thereto as the nature of the case will admit, except as is therein-after excepted. The Act is rep., 15 & 16 Vict. c. 81. s. 1., except as to the provision in clause 17, relating to the allowance to the county treasurer, and save also so far as it provides for or relates to any matter or thing other than the county rate.]

55 GEO. 3.  
c. 51.

Justices may  
require high  
constables, &c.  
to make returns  
of annual value  
of rateable  
property ;

and may autho-  
rize justices  
acting for divi-  
sions to receive  
the returns.

Penalty on  
constables, &c.  
not making  
returns.

Justices in  
petty sessions  
may issue their  
precepts to offi-  
cers in default,  
requiring them  
to make returns  
in writing, &c.

sessions or adjournment thereof, for the assessing the rates of any county, or for the raising, levying, or collecting the same; but that such provisions so fixing the time or place of holding such general or annual general sessions or adjournment thereof, and of then and there exclusively transacting the matters therein mentioned respecting the county rates, shall be and remain in full force; and that all the matters and things which in and by this Act are authorized to be done by the justices of the peace at their general or quarter sessions, or at any adjournment or adjournments thereof, shall be done and performed exclusively at such general or annual general sessions or at some adjournment thereof, and at no other time or place than such as shall have been fixed by any such Act.

II. AND for the better enabling the said justices to make such fair and equal county rates, be it hereby further enacted, that it shall be lawful for them, at any general or general quarter sessions of the peace, or at any adjournment or adjournments thereof (to be holden after the passing of this Act), and as often as they shall deem it expedient, and they are hereby authorized and empowered to issue precepts, signed by their chairman, or by the clerk of the peace under the authority of the said court, to the high constables, petty constables, churchwardens, overseers of the poor, assessors and collectors of public rates and taxes of or for the several and respective parishes, townships, and places, whether parochial or otherwise, within their jurisdiction, or to such and so many of them as to the said justices shall seem expedient, requiring the said constables, churchwardens, and overseers of the poor, assessors and collectors respectively, to make returns in writing to the justices of their respective divisions in petty sessions assembled (which returns shall be verified on oath, at the time of delivery, before any two or more such justices), of the total amount of the full and fair annual value of the several estates and rateable property within the parish, township, or place, whether parochial or otherwise, to which they respectively belong, charged, or assessed to the poor's rate at the time of making such return, or liable so to be, or charged or assessed on any other rate or assessment, whether parochial or public, without regard nevertheless to the actual amounts or sums assessed on the property therein, save and except in such parishes, townships, or places only where such property is assessed to the full and fair estimated annual productive value.

III. AND be it further enacted, that it shall be lawful for the said justices so assembled at their general or quarter sessions as aforesaid, and they are hereby authorized and empowered from time to time, whenever they shall deem it expedient for the purposes of this Act, also to make an order or orders for the justices of the peace, within the limits of their commissions, to meet from time to time within the several divisions in and for which they respectively act, and to fix therein the time of such first meeting; and the said justices in their respective divisions shall have power to adjourn from time to time until the purposes of this Act shall be completed; and any two or more such justices, assembled at any such meeting, shall receive the returns of the said constables, churchwardens, overseers, assessors, and collectors, causing the same to be verified as before directed, and them and every or any of them to examine on oath touching any matters and things contained in such returns, as in the judgment of the said justices may appear necessary for the purposes of this Act, and to report their proceedings to the said justices assembled at the next or any subsequent general or quarter sessions, as they shall have ordered and directed.

IV. AND be it further enacted, that in case any constable, churchwarden, overseer, assessor, or collector aforesaid shall neglect or make default in making any such return in manner aforesaid to the precepts which shall be issued by or under the authority of the said justices, then and in every such case each and every such constable, churchwarden, overseer, assessor, or collector so neglecting and making default (without sufficient excuse to be allowed by the said justices in their said general or quarter sessions), shall forfeit and pay such sum and sums of money, not exceeding twenty pounds, as shall or may be ordered or adjudged by such justices so assembled as aforesaid, to be levied on the goods and chattels of each and every churchwarden and overseer of the poor so neglecting or making default.

V. AND be it further enacted, that in case of default by not making due return of any matter or thing required by the precept of the justices in general or general quarter session assembled as before directed, it shall be lawful for the justices in their respective divisions in petty sessions assembled, or any two or more of them, to issue their precepts to any officer or officers before described, who shall have made such default, to make their returns in writing, as before required, to them, on a day and at a place therein to be named, and so from time to time as often as shall be necessary; and in case any officer before described shall neglect or make default in making any such return

to the precepts which shall be issued by any two or more justices acting for the division wherein such default shall be made, then and in every such case each and every such officer before described, so neglecting and making default as aforesaid, without sufficient excuse to be allowed by the said justices acting for such division, shall forfeit and pay any sum not exceeding twenty pounds, as shall or may be ordered and adjudged by such last-mentioned justices, to be levied on the goods and chattels of the officers so neglecting or making default.

55 GEO. 3.  
c. 51.

VI. AND be it further enacted, that if any churchwarden or churchwardens, overseer or overseers, assessor or assessors, or collector or collectors, shall neglect or make default in making such return or returns as aforesaid, or if it shall happen that, notwithstanding the incurring of any such penalty or penalties as aforesaid for or on account of such neglect or default, a return for any parish, township, or place, whether parochial or otherwise, shall not be made within the time limited for the making thereof, then and in every such case it shall be lawful for the said justices, and they are hereby required, either at the said general or quarter sessions, or at any adjournment or adjournments thereof, or at some subsequent general or quarter sessions to be held for the same county, or at some adjournment or adjournments thereof, or at some petty sessions, or adjournment or adjournments thereof respectively, as the case may be, to ascertain the annual value of the property chargeable to the county rate within or for each and every the parish, township, and place, whether parochial or otherwise, of which the constable or constables, churchwarden or churchwardens, overseer or overseers, assessor or assessors, collector or collectors, shall have so neglected or made default in making such return as aforesaid, by issuing fresh precepts, or by such other means as may appear to the said justices the most convenient and proper towards the obtaining a just and fair estimate of such annual value; and the said justices of the peace of the county in general or quarter sessions, or any adjournment or adjournments thereof, assembled, acting on their own discretion, or on the report of any two or more justices acting in and for any division of such county, as the case may be, shall order such allowance or compensation to be made to the persons employed in ascertaining the said annual value and in making such returns as aforesaid, as to the said justices so assembled shall appear reasonable; and all such allowances and compensations, and other expenses as shall be thereby incurred, shall be by the said justices so assembled charged upon the parish, township, or place, whether parochial or otherwise, of which the churchwarden or churchwardens, overseer or overseers of the poor, shall have so neglected or made default as aforesaid, in addition to the proportion of the said county rate to be paid by such parish, township, or place, whether parochial or otherwise; and such allowances, compensations, and expenses shall and may be raised, levied, and collected by such and the like ways and means as the said county rate can or may be raised, levied, and collected, and shall be paid therewith, due distinction being made in the case of every such additional assessment between the sum or sums charged for and on account of any such expenses, and the sum or sums assessed as and for the county rate.

Proceedings  
for assessment  
of parishes  
where no re-  
turn made.

VII. PROVIDED always, and it is hereby further enacted, that in all cases and places as aforesaid, where there are no churchwardens or overseers of the poor, or where no rate is made and collected for the relief of the poor, or where the justices of the peace of any county or of any division thereof, assembled as aforesaid for the purpose of receiving such returns as aforesaid of the annual value of the property chargeable to the county rate, shall be of opinion that the returns made to them do not afford a full, fair, and just account of the annual value of the property rateable, it shall and may be lawful to and for the said justices of the peace so assembled to summon before them any one or more substantial inhabitant of such places respectively, or any other person or persons whom they the said justices may think proper, to give evidence as to the fair annual value of such rateable property, and then and there to examine such inhabitant or inhabitants and other person or persons respectively on oath (which oath any one or more of the said justices is and are hereby authorized to administer) as to the annual value of such property.

Proceedings  
for assessment  
of parishes  
where no over-  
seers or church-  
wardens, or  
where no  
poor's rate, or  
where returns  
insufficient.

VIII. AND be it further enacted, that in such place or places where there is no poor's rate, or overseer of the poor, or churchwarden, or other officer necessary for the execution of the provisions of this Act, residing within the limits of the jurisdiction of the justices of the peace of the county requiring such returns, and in which there is any property liable to the poor's rate, but not rated or assessed thereto, it shall and may be lawful for the said justices of the peace of the county assembled as aforesaid, or for the justices of the peace resident in and acting for any division of the county in which such place or places are situate, at any petty sessions or adjournment thereof to

Where no  
poor's rate or  
overseer, jus-  
tices to appoint  
persons to act  
as overseers,  
&c.

55 GEO. 3.  
c. 51.

Justices may  
call for all  
parliamentary  
and parochial  
assessments,  
&c.

be holden by them within such division as aforesaid, and they are hereby authorized and required, to appoint one or more proper person or persons to act as overseer or overseers, or other such officer as aforesaid, who is and are hereby authorized, empowered, and required to act within such place or places respectively for effecting the purposes of this Act; and such person or persons respectively shall have the like powers vested in him or them, and shall be subject to the same regulations and penalties for effecting all such purposes, as fully and effectually to all intents and purposes as if he or they had been appointed overseer or overseers of the poor, or churchwarden or churchwardens, or other officer or officers, under any law or laws now in force.

IX. AND for the better enabling as well the said justices in general or quarter sessions assembled, as the justices of the several divisions acting under the order or orders of the justices assembled as aforesaid, respectively, to ascertain the fair annual value of all property liable to be so rated, it is hereby further enacted, that it shall and may be lawful to and for such justices, or any two or more of them, from time to time, whenever the same may be in the judgment of such justices necessary for the more correct execution of this Act, to cause any of the books of assessment of any rates or taxes, parliamentary or parochial, which have lately been, are now, or shall hereafter be laid on any part of the property liable to be assessed towards the purposes for which a county rate is applicable, and the valuation by which such assessments are or were made, mentioned, and described, within any parish or place within the limits of the jurisdiction of the said justices, in the hands of any constable, churchwarden, overseer, assessor, or collector, to be brought before them or him, and to take copies or extracts of and from such books or any parts thereof, or to order and direct any person to take such copies or extracts from such books, in the hands of them or any of them, without having the same brought before the said justices, or to call before them any such constable, churchwarden, overseer, assessor, or collector to give evidence respecting the same, as they or he or any of them shall think fit, such compensation being made to the person or persons employed for any of the purposes aforesaid as the said justices or any two or more of them shall think reasonable; and if any person or persons in whose custody or power any of the said books may be, shall neglect or refuse to attend the said justices with such book or books, or to permit any such copies or extracts to be taken as aforesaid, or to give such information or evidence on oath as may be required by such justices (which oath such justices or any one or more of them are and is hereby authorized to administer), then and in every such case every person who shall so refuse or neglect, shall for every such offence forfeit and pay any sum not exceeding ten pounds; and moreover it shall be lawful for such justices in the like cases from time to time to cause copies of the total amount assessed in each parish, township, or place, in respect of any aids or taxes payable to his Majesty, his heirs or successors, and the total amount of the valuation of the property on which such assessments were made in any year then elapsed, to be made out by the clerk to the commissioners of each district within the limits of the jurisdiction of such justices, such compensation being made to the respective clerks as the said justices, or any two of them, shall think reasonable; and if any such clerk shall neglect or refuse to make out such copies within a reasonable time after his receipt of the order of such justices, every such clerk shall forfeit and pay the sum of twenty pounds.

Church-  
wardens, &c.  
may enter  
upon lands to  
ascertain value.

X. AND for the better enabling the churchwardens and overseers of the poor, chief constables, and other persons, to make accurate returns as herein-before required in cases where doubts are entertained, be it further enacted, that it shall be lawful for them, or any of them, or for such other person or persons as they may select for that purpose, by warrant under the hands and seals of any two or more justices of the peace of the county in general or quarter sessions assembled, to enter upon, view, and examine all and any lands or other property chargeable to the county rate, in order to ascertain the annual value at which the same ought to be charged: Provided always, that no such entry shall in any case be made, unless fourteen days previous notice of the intention of making such entry shall have been given under the hands and seals of the justices authorizing the same to the churchwardens or overseers, or to the person or persons appointed to act in default of such churchwardens or overseers of the parish, township, or place, whether parochial or otherwise, and to the person or persons whose lands are to be entered upon for the purpose of making such valuation.

Justices of  
divisions to  
certify value

XI. AND be it further enacted, that whenever the justices in general or quarter sessions assembled shall have ordered any county rate to be made, which they are hereby authorized to order from time to time whenever the same shall be necessary, and

the justices in petty sessions shall by any of the aforesaid ways and means have ascertained to their own satisfaction the fair and just annual value of any or of all the rateable property within their respective divisions, and they are hereby required from time to time to certify under their hands the true amount thereof to the then next general or quarter sessions of the peace for the same county, to the intent that at such general or quarter sessions, or at some adjournment or adjournments thereof, or at some subsequent general or quarter sessions, or adjournment or adjournments thereof, the justices there assembled may from time to time, and as often as they shall deem it necessary, make a fair and equal rate on all such rateable property, or correct any inequalities which upon appeal shall be shewn to their satisfaction to exist in any rate now existing or hereafter to be made.

XII. AND be it further enacted, that it shall be lawful to and for the justices of the peace of any county, or the major part of them, in general or quarter sessions, or at any adjournment or adjournments thereof, assembled, as often as they shall have deemed it necessary to make a rate or rates, assessment or assessments, on all the rateable property within the limits of their jurisdiction, according to the fair annual value of the same, as derived from any or all of the several sources of information which are herein-before mentioned; and they are hereby authorized and empowered to order warrants to be from time to time issued, in the same manner as now authorized and practised by law for collecting the county rates, to the several high constables within their respective counties, ordering and requiring them to issue their warrants to the respective overseers of the poor within their respective divisions to levy, collect, and pay to the said high constables, within the time to be named and limited in the warrant to be issued from the sessions as aforesaid, all such rate or rates, assessment or assessments, which each high constable shall and he is hereby directed and required to pay, at such time as shall be specified in such warrant, to the treasurer of the county for the time being, to be applied and disposed of in such manner and for such purposes as the county stock or rate is now applicable or may hereafter be made applicable by law; and in case any overseer or overseers of the poor, or other person appointed to act as such under the provisions of this Act, in any of the several parishes, townships, or places, whether parochial or otherwise, within any county liable to pay the same, shall neglect, make default, or refuse to pay the same, within the time to be specified and limited for that purpose as aforesaid, to the high constable of the division within which such overseer or overseers or other person or persons so liable and neglecting to pay shall reside or be appointed to act, it shall and may be lawful for any justice of the peace of the said county, upon complaint thereof made by any such high constable, by warrant under the hand and seal of any such justice, to levy the same by distress and sale of the offender's goods; and the overseer or overseers of the poor of any parish, township, or place, whether parochial or otherwise, or other person or persons appointed to act as such overseer or overseers, shall and may and is and are hereby empowered to levy and raise by an equal rate or assessment upon all and every the several estates and property rateable to the relief of the poor, within their respective parishes, townships, or places, whether parochial or otherwise, such sum and sums of money as shall be required and necessary, in order to raise the several sums assessed upon such parishes, townships, or places respectively, or to reimburse such overseer or overseers, or other person or persons as aforesaid, such sum or sums of money as they shall respectively have paid on account of the same; such rate or assessment to be paid by the occupier or occupiers for the time being of such estates and rateable property as aforesaid.

XIII. AND whereas it would be inconvenient and oppressive to many townships or places that the sum of money which may be assessed on them, as or for a county rate under this Act, should be paid out of any rate made for the relief of the poor, where such poor rate doth not apply separately and distinctly to the parish, township, or place: Be it further enacted, that it shall be lawful for the justices of the peace, at their general or quarter sessions, or at any adjournment thereof, if they shall think convenient, to order the sum of money directed to be assessed as or for the county rate on any such parish, township, or place, whether parochial or otherwise, to be paid and levied on the churchwardens, overseers, or petty constables of or for any such parish, township, or place, in such manner as the same is herein directed to be paid and levied in cases where no rate is made for the relief of the poor; any thing herein contained, or any law, usage, or custom, to the contrary notwithstanding.

XIV. PROVIDED always, and be it enacted, that if the churchwarden or churchwardens, overseer or overseers of the poor, or other inhabitant or inhabitants of any

55 GEO. 3.  
c. 51.

ascertained to  
justices in  
quarter ses-  
sions.

Justices may  
make rates and  
issue warrants  
for levying  
rates, according  
to usual prac-  
tice, &c.

Proceedings  
in case of de-  
fault by over-  
seers, &c. in  
payment of  
rates.

In places where  
poor rate does  
not separately  
apply, justices  
may order  
county rate to  
be levied as  
where no poor  
rate.

Church-  
wardens, &c.



.55 GEO. 3.  
c. 51.

of parishes  
aggrieved may  
appeal.

parish, township, or place, whether parochial or otherwise, where there is no churchwarden or overseer, or person appointed to act as such, shall at any time have reason to think that such parish, township, or place is aggrieved by any rate now existing or hereafter to be made, either in pursuance of this Act or of any Act or Acts now in force, whether it be on account of the proportions assessed upon the respective parishes, townships, or places being unequal, or on account of some one or more of them being without sufficient cause omitted altogether from the rate, or on account of such parish, township, or place being rated at a higher proportion of the pound sterling according to the fair annual value of the rateable property therein, or on account of some other parish or parishes, township or townships, place or places, being rated at a lower proportion of the pound sterling according to the fair annual value of the rateable property therein than has been fixed and declared by the justices of the peace of the said county in sessions assembled as the basis of the rate of the said county, or on account of any other just cause of complaint whatsoever, it shall be lawful for such churchwarden or churchwardens, overseer or overseers of the poor, or other inhabitant or inhabitants where there is no churchwarden or overseer, or person appointed to act as such, to appeal to the justices of the peace for the county, at any general or quarter sessions, against such part of the rate only as may affect the parish or parishes, township or townships, place or places, which are unequally rated, or which shall appear to be over-rated or under-rated, or omitted altogether from the rate; and the said justices are hereby empowered to hear and finally determine the same, and either to confirm such parts of the rate as have been appealed against, or to correct such inequalities, disproportions, or omissions as shall be proved to exist therein, in such manner as to them the said justices shall appear fair, just, and equitable; any thing in this Act, or any former Act or Acts, or any law, usage, or custom to the contrary thereof notwithstanding: Provided nevertheless, that upon such appeal no such rate shall be quashed or destroyed in regard to any other parish, township, or place, unless in cases where the justices of the peace of any county in general or quarter sessions assembled, or the major part of them, shall deem it necessary to proceed to the making of an entire new rate, and shall proceed therein according to the provisions of this Act.

Expences of  
appeals, &c.  
to be paid by  
parishes, &c.

XV. AND be it further enacted, that in case of any appeals, actions, suits, or proceedings at law respecting any thing done in pursuance of this Act, or any other Act or Acts relating to the county rate, the expences of all such appeals, actions, suits, or proceedings at law shall be borne and paid by such respective parishes, townships, places, and persons, or such of them, and in such proportions, as the said justices shall upon any appeal in their general or quarter sessions award and order, or as such courts wherein such actions, suits, or proceedings shall be instituted, shall adjudge and order, and shall not be charged to or be paid out of the county rate.

Justices may  
compensate  
persons em-  
ployed out of  
county rate.

XVI. AND be it further enacted, that it shall and may be lawful for the justices of the peace of any county, in general or quarter sessions or any adjournment thereof from time to time assembled, to order such allowances and compensations to be made to the overseers, churchwardens, constables, assessors, collectors, clerks, or other persons employed in the execution of this Act, which have not herein-before been provided for, from, by, and out of the monies assessed, levied, and collected by any county rate made under this or any former Act or Acts, as to the said justices shall appear reasonable and proper.

Repeal of  
12 Geo. 2. c. 29.  
in part.  
Further al-  
lowance may  
be made to  
treasurer.

XVII. AND whereas the allowance which the justices of the peace are authorized to make to the treasurer or treasurers for his or their care and pains in the execution of his or their office stands limited by the before recited Act, made in the twelfth year of the reign of his Majesty King George the Second, to a sum not exceeding twenty pounds a year: And whereas such sum has been in some and may be found in many cases inadequate to remunerate him or them for such care and pains: Be it hereby further enacted, that so much of the said Act as limits the said allowance to twenty pounds a year is hereby repealed; and that it shall and may be lawful for the said justices of the peace, at their respective general or quarter sessions, or the greater part of them then and there assembled, to allow to the treasurer or treasurers of their counties, and to every of them insisting on the same, such reasonable sum or sums of money for such purpose as aforesaid as they in their discretion shall think fit, of which they are hereby empowered to direct the payment out of the monies arising by the rates of their respective counties: Provided always, that no such augmentation of allowance shall be made at any such general or quarter sessions, unless application for such augmentation shall have been made by the said treasurer or treasurers, or the justices of the peace at some previous general or quarter sessions assembled, and unless

notice of the intention of taking the said augmentation into consideration shall have been advertised for three successive weeks in some newspaper usually circulating in such county, in the month immediately preceding the time fixed for considering the same.

55 GEO. 3.  
c. 51.

XVIII. AND be it further enacted, that the said several treasurers of counties, or of divisions of counties, shall and they are hereby required once in every year to publish, in some one of the newspapers usually circulating in the county or division of the county in which they respectively act, a true and accurate abstract of the account of their receipts and expenditures, under their several heads, for the year immediately preceding the publication of such abstract, signed by the justices of the peace who shall have audited the same, under a penalty of fifty pounds for every omission of such publication.

Treasurers of counties, or of divisions of counties, to publish once in every year an abstract account of their receipts and expenditures.

XIX. AND be it further enacted, that the justices of the peace of the said several counties are hereby authorized and empowered to demand and take, whenever they shall think fit, good and sufficient security, to be approved of by the said justices in general or quarter sessions assembled, from the high constables employed in the collecting and levying the rates; and that if any such high constable, upon being so called upon by the said justices, shall neglect or refuse to give such security as shall be approved by them, it shall then be lawful for the said justices of the peace, in quarter sessions assembled, to order and direct the churchwardens and overseers of the poor, or other persons appointed to assess, collect, and levy the rates of any parish, township, or place, to pay the quota which shall be assessed thereupon towards the county rate to the treasurer of the county, division, or place in which such parish, township, or place shall be situate; and the receipt of such treasurer shall be a sufficient discharge for the same.

High constables to give security, &c.

XX. AND be it further enacted and declared, that all and every the clauses, powers, directions, provisions, and authorities contained in the said Act made in the twelfth year of his late Majesty King George the Second, intituled "An Act for the more easy assessing, collecting, and levying county rates," and also so much of another Act made in the thirteenth year of the reign of his said late Majesty King George the Second, intituled "An Act to continue several Acts therein mentioned, for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes, for repairing highways, or locks or other works erected by authority of Parliament for making rivers navigable, for preventing exactions of the occupiers of locks and weirs upon the river of Thames westward, and for ascertaining the rates of water carriage upon the said river, for preventing frivolous and vexatious arrests, and for better securing the lawful trade of his Majesty's subjects to and from the East Indies, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions, and for limiting the time for suing forth writs of certiorari upon proceedings before justices of the peace, and for regulating the time and manner of applying for the same, for the better and more speedy execution of process within particular franchises and liberties, and for extending the powers and authorities of justices of the peace of counties, touching county rates, to the justices of the peace of such liberties and franchises as have commissions of the peace within themselves," as relates to county rates (save and except such parts thereof respectively as are hereby varied, altered, or repealed), shall be good, valid, and effectual for the purposes of assessing, levying, collecting, and enforcing the payment of the rate or rates hereafter to be made in pursuance of this Act, and for carrying this Act into execution.

Provisions of 12 Geo. 2. c. 29. and 13 Geo. 2. c. 18. as to county rates shall extend to this Act.

XXI. AND whereas several Acts have passed in the reign of his present Majesty, and are now in force, empowering the justices of the peace of certain counties to make fair and equal county rates within their respective counties: Be it hereby enacted, that it shall and may be lawful to and for the said justices respectively, and they are hereby empowered, at any time and at all times after the passing of this Act, to proceed in the assessing, levying, and collecting and enforcing the payment of the county rate, and in all matters relating to the equalizing the same, either under the authority and according to the provisions and enactments of this Act, or under the authority and according to the provisions and enactments of the particular Acts affecting their respective counties, as to them shall seem fit and proper, in all cases in which the provisions and enactments of this Act are not inconsistent with the provisions and enactments of such particular Acts.

Counties, where rates have been regulated by particular Acts, may make use of the provisions of this Act.

XXII. AND be it further enacted, that the several forfeitures and penalties inflicted by this Act shall, if not immediately paid, be levied by distress and sale of the offender's

Forfeitures, &c. how to be levied and applied.

55 GEO. 3.  
c. 51.

Ratepayers  
competent to  
be witnesses.

Limitations of  
actions, &c.

Provisions  
of this Act  
shall extend to  
places that  
have commis-  
sions of the  
peace within  
themselves.

goods and chattels, by virtue of any warrant under the hand and seal of any one justice of the peace for the county, not only in the county in which the offence shall have been committed, but in any other county, city, town, borough, franchise, or place, (the warrant or warrants for levying the same being in such last-mentioned case first indorsed by some justice of the peace for the county, or mayor or other head officer of the city, town, borough, or franchise where any goods of the respective defaulters shall be found,) returning the overplus (if any) after the charges of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then it shall be lawful for such justices to commit the offender to the common gaol of the said county, there to remain without bail or mainprize for any time not exceeding three calendar months, unless the forfeitures and charges be sooner paid; and the said forfeitures, when recovered, shall be paid to the treasurer of the county, or of any division thereof, in which they shall have been incurred, to be applied in aid of the rates of the said county or division thereof; and no person shall be deemed incompetent to be a witness for the execution of the purposes of this Act, or in any appeal or other proceeding instituted by virtue thereof, by reason of his paying or being liable to pay towards the poor rates or county rates within the said county.

XXIII. PROVIDED also, and be it further enacted, that no action or suit shall be brought, commenced, or prosecuted against any person or persons for any thing done or to be done by virtue of or in pursuance of this Act after three calendar months next after the fact committed; and every such action shall be brought and laid in the county where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead, at his, her, or their election, this Act specially, or the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance or by the authority of this Act; and if upon trial of such action or suit it shall appear to have been so done, or that such action or suit shall have been brought after the time limited for bringing the same as aforesaid, or be brought or laid in any other county than as aforesaid, then and in every the said cases the jury shall find a verdict for the defendant or defendants; and in all cases where a verdict shall be found for any defendant or defendants in such action or suit, or the plaintiff or plaintiffs therein shall discontinue the same after the defendant or defendants shall have appeared thereto, or shall be nonsuited, or if upon demurrer judgment shall be given against such plaintiff or plaintiffs, then and in every such case the defendant or defendants shall recover treble costs, and have the like remedy for recovering the same as any defendant or defendants hath or have for recovering costs of suit in any other cases by law<sup>[1]</sup>.

XXIV. AND be it further enacted, that where any ridings or divisions have separate commissions of the peace, or where any cities, towns, or other places within that part of Great Britain called England have commissions of the peace within themselves, and are not subject to the jurisdiction of the commissions of the peace for the counties at large in which such liberties or franchises lie, and do not, nor did before the passing of this Act, contribute or pay to the several rates made for the said counties at large, it shall and may be lawful to and for the justices of the peace of such separate jurisdictions, within the respective limits of their commissions, to have, use, and exercise all and singular the powers, authorities, and methods given or prescribed by this Act; and all such separate jurisdictions are hereby declared to be subject thereto in the same manner to all intents and purposes as counties at large, any law, usage, or custom to the contrary notwithstanding.

[<sup>1</sup> As to treble costs, see 5 & 6 Vict. c. 97. s. 2.]

END OF THE SEVENTH VOLUME.

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